S. HRG. 101-1101

FIREFIGHTERS' SAFETY

HEARING

BEFORE THE

SUBCOMMITTEE ON THE CONSUMER

OF THE

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION UNITED STATES SENATE

ONE HUNDRED FIRST CONGRESS

SECOND SESSION

ON

S. 1933

TO PROVIDE FOR THE MINTING OF COINS IN COMMEMORATION OF THE BICENTENNIAL OF THE DEATH OF BENJAMIN FRANKLIN AND TO ENACT A FIRE SERVICE BILL OF RIGHTS AND PROGRAMS TO FULFILL THOSE RIGHTS

H.R. 4522

TO IMPROVE THE INFORMATION AVAILABLE TO EMERGENCY RESPONSE PERSONNEL IN THE FIELD, AND FOR OTHER PURPOSES

JULY 27, 1990

Printed for the use of the
Committee on Commerce, Science, and Transportation

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BENJAMIN FRANKLIN MEMORIAL FIRE SERVICE BILL OF RIGHTS ACT

FRIDAY, JULY 27, 1990

U.S. SENATE,
COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION,
SUBCOMMITTEE ON THE CONSUMER,
Washington, DC.

The subcommittee met, pursuant to notice, at 9.30 a.m. in room SR-253, Senate Russell Office Building, Hon. Richard H. Bryan [chairman of the subcommittee] presiding.

Staff members assigned to this hearing: Moses Boyd, staff counsel and Sherman Joyce, minority staff counsel.

OPENING STATEMENT BY SENATOR BRYAN

Senator BRYAN. Good morning, ladies and gentlemen. It is a pleasure for me to welcome everyone to this hearing. Today we are going to consider legislation, S. 1933, that provides for the striking of three coins in commemoration of the bicentennial of the death of Benjamin Franklin, the Nation's first fire chief.

The coins will be used for the establishment of various programs for the benefit of members of our Nation's fire service, recognition of their outstanding contributions to our Nation and the life safety of American citizens.

We will also be considering today a bill, H.R. 4522, to improve the information available to and used by fire fighters and emergency response personnel in the field. This legislation calls for the formation of special groups of Federal agencies, State and local government officials and private industries to review the emergency response information used by emergency personnel to ensure that information is accurate and consistent.

It is widely recognized that the fire service is one of the most dangerous professions in this country. Everyday the 2 million men and women of our Nation's fire force risk their lives in some of the most perilous situations to save the lives of other American citizens. Each year more than 50,000 firefighters are injured and hundreds are killed in our Nation's fires. Yet with the determination of the soldier at war, these men and women continue to dedicate themselves to fighting this great peril of nature.

Even as we speak this morning, hundreds of firefighters are in the midst of battling raging wild fires in the State of Alaska that are threatening the destruction of many villages and properties. Members of fire service, however, not only are faced with the dangers of fire, but are also faced with the need to respond to other disasters such as earthquakes, floods and medical emergencies and hazardous waste spills.

This is why it is important that we as a government and members of the general public do our best to ensure that the members of our nation's fire service are provided with the best training, education and technical needs and to show our appreciation for their contributions to our life safety. That is what this legislation which we are discussing this morning is all about.

I have a statement that Senator Gorton would like to have included in the record.

[The statement and bills follow:]

OPENING STATEMENT BY SENATOR GORTON

Mr. Chairman, I would like to thank you for calling thishearing on S. 1933 and H.R. 4522, two bills of particular interest to the fire safety community. I commend you for your concern for fire safety, and I am pleased that the Consumer Subcommittee has devoted considerable time and resources to this important issue.

S. 1933 authorizes a variety of programs that will improve fire safety and assist the families of deceased firefighters.These are noble purposes. These programs would be paid out of a trust fund created from the proceeds of the sale of a Benjamin Franklin commemorative coin. S. 1933 also would provide a one-time payment to the Franklin Institute in Philadelphia. This organization, which is dedicated to the memory of Benjamin Franklin, was created in 1824 by leaders of industry and the scientific community to promote better understanding of science and technology. This payment to the Franklin Institute would be direct federal spending, since it would be done without an appropriation. point that out to you, Mr. Chairman, because when the bill reaches the full Senate, a point of order would lie against the bill under the Budget Act.

H.R. 4522 establishes a federal working group to ensure that firefighters do not receive inconsistent data and instructions regarding hazardous materials. The federal government advises firefighters on the proper responses to these emergencies. This advice should not vary from agency to agency, and this bill would ensure that the data and instructions prepared by federal agencies contained no inconsistencies.

Again, Mr. Chairman, I thank you for scheduling this hearing, and I look forward to hearing from our distinguished witnesses.

101ST CONGRESS
1ST SESSION

S. 1933

To provide for the minting of coins in commemoration of the bicentennial of the death of Benjamin Franklin and to enact a fire service bill of rights and programs to fulfil' those rights.

IN THE SENATE OF THE UNITED STATES

NOVEMBER 20 (legislative day, NOVEMBER 6), 1989

Mr. HEINZ (for himself and Mr. SPECTER) introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

---

A BILL

To provide for the minting of coins in commemoration of the bicentennial of the death of Benjamin Franklin and to enact a fire service bill of rights and programs to fulfill those rights.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Benjamin Franklin Memorial Fire Service Bill of Rights Act".

TITLE I—MINTING OF BENJAMIN FRANKLIN NATIONAL MEMORIAL COMMEMORATIVE COIN

SEC. 101. SHORT TITLE.

This title may be cited as the "Benjamin Franklin National Memorial Commemorative Coin Act".

SEC. 102. COIN SPECIFICATIONS.

(a) FIVE DOLLAR GOLD COINS.—

(1) ISSUANCE.—The Secretary of the Treasury (hereinafter in this title referred to as the "Secretary") shall issue not more than 1,000,000 five dollar coins each of which shall—

(A) weigh 8.359 grams;

(B) have a diameter of 0.850 inches; and

(C) contain 90 percent gold and 10 percent alloy.

(2) DESIGN.—The design of the five dollar coins shall be emblematic of the bicentennial of the death of Benjamin Franklin. On each five dollar coin there shall be a designation of the value of the coin, an inscription of the year "1990" and inscriptions of the words "Liberty", "In God We Trust", "United States of America", and "E Pluribus Unum".

(b) ONE DOLLAR SILVER COINS.—

(1) ISSUANCE.—The Secretary shall issue not more than 10,000,000 one dollar coins each of which shall—

(A) weigh 26.73 grams;

(B) have a diameter of 1.500 inches; and

(C) contain 90 percent silver and 10 percent copper.

(2) DESIGN.—The design of the one dollar coins shall be emblematic of the role Benjamin Franklin played as the founder of the fire service in the United States. On each one dollar coin there shall be a designation of the value of the coin, an inscription of the year "1990" and inscriptions of the words "Liberty", "In God We Trust", "United States of America", and "E Pluribus Unum".

(c) HALF DOLLAR CLAD COINS.—

(1) ISSUANCE.—The Secretary shall issue not more than 10,000,000 half dollar coins which shall—

(A) weigh 11.34 grams;

(B) have a diameter of 1.205 inches; and

(C) be minted to the specifications for half dollar coins contained in section 5112(b) of title 31, United States Code.

(2) DESIGN.—The design of the half dollar coins shall be emblematic of the contributions of Benjamin

Franklin to the United States. On each half dollar coin there shall be a designation of the value of the coin, an inscription of the year "1990", and inscriptions of the words "Liberty", "In God We Trust", "United States of America", and "E Pluribus Unum".

(d) LEGAL TENDER.—The coins issued under this title shall be legal tender as provided in section 5103 of title 31, United States Code.

SEC. 103. SOURCES OF BULLION.

(a) SILVER.—The Secretary shall obtain silver for the coins minted under this title from stocks of silver held by the Secretary or from any other federally owned stocks of silver.

(b) GOLD.—The Secretary shall obtain gold for the coins minted under this title pursuant to the authority of the Secretary under existing law.

SEC. 104. DESIGN OF THE COINS.

The design for each coin authorized by this title shall be selected by the Secretary after consultation with the Chairman of the Benjamin Franklin National Memorial at the Franklin Institute, the Chairman of the Congressional Fire Services Institute, and the Chairman of the Commission of Fine Arts.

SEC. 105. SALE OF THE COINS.

(a) IN GENERAL.—Notwithstanding any other provision of law, the coins issued under this title shall be sold by the

Secretary at a price equal to the face value, plus the cost of designing and issuing such coins (including labor, materials, dies, use of machinery, and overhead expenses) and the surcharge provided for in subsection (d).

(b) BULK SALES.—The Secretary shall make bulk sales at a reasonable discount to reflect the lower costs of such sales.

(c) PREPAID ORDERS.—The Secretary shall accept prepaid orders for the coins prior to the issuance of such coins. Sales under this subsection shall be at a reasonable discount to reflect the benefit of prepayment.

(d) SURCHARGES.—All sales shall include a surcharge of $35 per coin for the five dollar coins, $7 per coin for the one dollar coins, and $2 for the half dollar coins.

SEC. 106. ISSUANCE OF THE COINS.

(a) FIVE DOLLAR COINS.—The gold coins authorized by this title shall be issued in uncirculated and proof quality and shall be struck at no more than one facility of the United States Mint.

(b) ONE DOLLAR AND HALF DOLLAR COINS.—The one dollar and half dollar coins authorized under this title may be issued in uncirculated and proof qualities, except that not more than one facility of the United States Mint may be used to strike any particular combination of denomination and quality.

(c) COMMENCEMENT OF ISSUANCE.—The Secretary may issue the coins minted under this title beginning on January 1, 1990.

(d) TERMINATION OF AUTHORITY.—No coins shall be minted under this title after December 31, 1991.

SEC. 107. GENERAL WAIVER OF PROCUREMENT REGULATIONS.

(a) IN GENERAL.—Except as provided in subsection (b), no provision of law governing procurement or public contracts shall be applicable to the procurement of goods or services necessary for carrying out the provisions of this title.

(b) EQUAL EMPLOYMENT OPPORTUNITY.—Subsection (a) shall not relieve any person entering into a contract under the authority of this title from complying with any law relating to equal employment opportunity.

SEC. 108. DISTRIBUTION OF SURCHARGES.

All surcharges which are received by the Secretary from the sale of coins issued under this title shall be promptly paid by the Secretary as follows:

(1) AMOUNTS PAID TO THE BENJAMIN FRANKLIN NATIONAL MEMORIAL.—Subject to section 109, the Secretary shall pay to the Benjamin Franklin National Memorial (hereafter in this section referred to as the "Franklin Institute") 25 percent of the amount of such surcharges so received. Such amounts shall be used—

(A) to restore and renovate the Benjamin Franklin National Memorial;

(B) to construct or renovate adjoining areas of the Franklin Institute relating to the various interests of Benjamin Franklin, such as science, education, and government;

(C) for exhibits in the Memorial or in the adjoining areas of the Franklin Institute relating to Franklin or to science and education;

(D) for capital funds for construction of access, parking, and related facilities at the Franklin Institute;

(E) for funds for the acquisition and preservation by the Franklin Institute of artifacts relating to Benjamin Franklin; and

(F) to establish an endowment in an amount determined sufficient by the Memorial, in consultation with the Secretary of the Interior, to ensure the continued upkeep and maintenance of the Memorial.

(2) AMOUNTS PAID UNDER TITLE II.—

(A) FIRST YEAR OF SALES.—In the first year beginning on the date on which coins are first issued under this title, the Secretary shall

pay, of the amount of the surcharges so received—

(i) 25 percent to the National Fire Center and Museum Account of the Firefighters Assistance Trust Fund established pursuant to section 207;

(ii) 7 percent to the National Hero Scholarship Account of that Trust Fund;

(iii) 3 percent to the Firefighter's Tuition Assistance Account of that Trust Fund;

(iv) 30 percent to the Hazardous Materials Response Computer Account of that Trust Fund;

(v) 8 percent to the In Search of Excellence Research and Education Account of that Trust Fund; and

(vi) 2 percent to the Burn Research Grant Account of that Trust Fund.

(B) SUCCEEDING YEARS.—In each year after the year following the date on which coins are first issued under this title, the Secretary shall pay, of the amount of the surcharges so received—

(i) 25 percent to the National Fire Center and Museum Account of the Fire-

fighters Assistance Trust Fund established pursuant to section 207;

(ii) 39 percent to the National Hero Scholarship Account of that Trust Fund;

(iii) 3 percent to the Firefighter's Tuition Assistance Account of that Trust Fund; and

(iv) 8 percent to the In Search of Excellence Research and Education Account of that Trust Fund.

SEC. 109. AUDITS.

As a condition for receiving the proceeds of the surcharges pursuant to section 108(1), the Benjamin Franklin National Memorial shall allow the Comptroller General to examine such books, records, documents, and other data of the Memorial as may be related to the expenditure of amounts paid, and the management and expenditures of the endowment established, under paragraph (1)(F) of section 108.

SEC. 110. FINANCIAL ASSURANCES.

(a) NO NET COST TO THE GOVERNMENT.—The Secretary shall take all actions necessary to ensure that the issuance of the coins authorized by this title shall result in no net cost to the United States Government.

(b) PAYMENT FOR COINS.—No coin shall be issued under this title unless the Secretary has received—

(1) full payment therefor;

(2) security satisfactory to the Secretary to indemnify the United States for full payment; or

(3) a guarantee of full payment satisfactory to the Secretary from a depository institution whose deposits are insured by the Federal Deposit Insurance Corporation or the National Credit Union Administration Board.

TITLE II—FIRE SERVICE BILL OF RIGHTS

SEC. 201. SHORT TITLE.

This title may be referred to as the "Fire Service Bill of Rights Act".

SEC. 202. FIRE SERVICE BILL OF RIGHTS.

Section 2 of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2201) is amended—

(1) by inserting "(a) IN GENERAL.—" before "The"; and

(2) by adding at the end the following:

"(b) FIRE SERVICE BILL OF RIGHTS.—

"(12) The fire service has the right to be recognized as America's first responder to all domestic emergencies.

"(13) The fire service has the right to be adequately protected from the dangers associated with emergency response.

"(14) The fire service has the right to have their families provided for in the event of tragic death.

"(15) The fire service has the right to be educated in the latest fire and life safety sciences.

"(16) The fire service has the right to be provided with state-of-the-art equipment and apparatus to better handle all emergency situations.

"(17) The fire service has the right to share innovative fire and life safety programs that have proven successful across the Nation.

"(18) The fire service has the right to fully understand and be able to effectively respond to incidents involving the transportation, storage, and use of hazardous materials.

"(19) The fire service has the right to be fully informed of the threat of contracting infectious diseases during the course of life safety activities.

"(20) The fire service has the right to expect that the American people will become full partners in the struggle to preserve life and property from the ravages of fire and other disasters.

"(21) The fire service has the right to celebrate the proud history of the American fire and emergency services personnel and the sacrifices they have made for communities across the Nation.".

SEC. 203. ESTABLISHMENT OF NATIONAL FIRE CENTER AND MUSEUM.

The Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2201 and following) is amended by adding at the end the following:

"SEC. 28. NATIONAL FIRE CENTER AND MUSEUM.

"(a) IN GENERAL.—There is established the National Fire Center and Museum. The Museum shall be operated by the Board of Directors appointed pursuant to subsection (b).

"(b) BOARD OF DIRECTORS.—

"(1) IN GENERAL.—Except as provided in paragraph (2), the Administrator shall appoint the Board of Directors. The term of each Director appointed by the Administrator shall be 4 years. In making appointments to the Board, the Administrator shall ensure that representatives from national fire service organizations and businesses associated with fire protection and safety are included on the Board. The Administrator shall determine the number of Directors and that number shall not thereafter be subject to change.

"(2) EX OFFICIO MEMBERS.—The Chairman of the Congressional Fire Services Institute shall serve as the Chairman of the Board of Directors. The Administrator shall serve as an ex officio member of the Board.

"(c) CURATOR.—The Board of Directors shall appoint, and fix the pay of, a Curator. The Curator shall—

"(1) be responsible for the administration of the Museum; and

"(2) make an annual report to the Board regarding the administration and operation of the Museum.

"(d) FUNCTIONS OF THE MUSEUM.—The Board of Directors shall ensure that the Museum provides—

"(1) a depiction of the history of firefighting and related emergency services in the United States;

"(2) information to fire services and the public relating to the responsibilities of and technology used by the fire service;

"(3) a library of technical and general information about the fire service and safety; and

"(4) other services or displays the Board determines is beneficial to the operation of the Museum.

"(e) LOCATION OF MUSEUM.—The Museum shall be located in the District of Columbia.

"(f) FUNDING.—The Fund shall be the only source of funding for the establishment and operation of the Museum.".

SEC. 204. ESTABLISHMENT OF NATIONAL HERO SCHOLARSHIP.

The Federal Fire Prevention and Control Act of 1974, as amended by the preceding section of this title, is further amended by adding at the end the following:

"SEC. 29. ESTABLISHMENT OF NATIONAL HERO SCHOLARSHIP.

"(a) IN GENERAL.—In any case in which a benefit is paid pursuant to section 1201(a) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796(a)) to the children or spouse of a deceased firefighter, the Administrator may grant scholarships to the children and spouse of that firefighter in accordance with this section. Such scholarships shall be for study and training at institutions of higher education. All scholarships shall be paid from the Fund.

"(b) LIMITATIONS ON SCHOLARSHIPS.—

"(1) IN GENERAL.—The limitations on paying benefits contained in section 1202 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796a) shall apply with respect to the granting of scholarships under this section.

"(2) AMOUNT OF SCHOLARSHIP.—The Administrator shall determine the amount of each scholarship awarded under this section, except that no individual may receive a scholarship for more than 4 years.

"(c) AMOUNTS PAID AS SCHOLARSHIPS NOT COUNTED AS INCOME.—Any amount paid under this section shall not be counted as income for the purpose of any need-based scholarship or tuition assistance program provided by the United States.

"(d) DEFINITION OF CHILD.—As used in this section, the term 'child' means any natural or adopted child or stepchild of a deceased firefighter who, at the time of the death of the firefighter, was substantially dependent on the income of that firefighter for support.".

SEC. 205. ESTABLISHMENT OF TUITION ASSISTANCE RELATING TO THE STUDY OF FIRE PROTECTION AND SCIENCE.

The Federal Fire Prevention and Control Act of 1974, as amended by preceding sections of this title, is further amended by adding the end the following:

"SEC. 30. ESTABLISHMENT OF SCHOLARSHIPS FOR FIREFIGHTERS.

"(a) IN GENERAL.—The Administrator may award scholarships to firefighters for the study of and training in a field relating to fire safety or protection at an institution of higher education.

"(b) APPLICATION AND NOMINATION.—A scholarship may not be made under this section unless an application or nomination is made to the Administrator at such time and in

such manner as the Administrator may require. An application shall be submitted by an individual firefighter desiring a scholarship under this section and a nomination shall be submitted by an organization listed in subsection (e).

"(c) ELIGIBILITY.—Scholarships awarded under this section shall be made only to firefighters at the beginning of a program of study and training referred to in subsection (a) and shall continue during the time the firefighter remains in academic standing satisfactory to the Administrator. The Administrator shall determine—

"(1) the type and content of the programs in which a firefighter must be enrolled in order to qualify for a scholarship; and

"(2) the standards relating to satisfactory academic standing.

"(d) AMOUNT OF ASSISTANCE.—The Administrator shall determine the amount of each scholarship that can be granted to firefighters under this section.

"(e) NOMINATING ORGANIZATIONS.—The organizations referred to in subsection (b) are—

"(1) the International Association of Fire Chiefs;

"(2) the International Association of Fire Fighters;

"(3) the International Society of Fire Service Instructors;

"(4) the International Association of Black Professional Fire Fighters;

"(5) the National Volunteer Fire Council;

"(6) the National Fire Protection Association; and

"(7) other organizations concerned with fire protection and safety as determined by the Administrator.

"(f) SOURCE OF FUNDS.—All amounts provided to firefighters under this section shall be paid from the Fund.".

SEC. 206. IN SEARCH OF EXCELLENCE RESEARCH AND EDUCATION ACCOUNT.

The Federal Fire Prevention and Control Act of 1974, as amended by preceding sections of this title, is further amended by adding at the end the following:

"SEC. 31. IN SEARCH OF EXCELLENCE RESEARCH AND EDUCATION ACCOUNT.

"The Administrator may use amounts in the In Search of Excellence Research and Education Account of the Fund to fund activities under sections 6, 8 through 10, 12, 18, and 24.".

SEC. 207. ESTABLISHMENT OF FIREFIGHTER ASSISTANCE TRUST FUND.

The Federal Fire Prevention and Control Act of 1974, as amended by preceding sections of this title, is further amended by adding at the end the following:

"SEC. 32. ESTABLISHMENT OF FIREFIGHTER ASSISTANCE TRUST FUND.

"(a) CREATION OF TRUST FUND.—

"(1) IN GENERAL.—There is established in the Treasury of the United States a trust fund to be known as the 'Firefighter Assistance Trust Fund'.

"(2) ACCOUNTS IN TRUST FUND.—The Fund shall consist of—

"(A) a National Fire Center and Museum Account;

"(B) a National Hero Scholarship Account;

"(C) a Firefighter Tuition Assistance Account;

"(D) an In Search of Excellence Research and Education Account;

"(E) a Hazardous Materials Response Computer Account; and

"(F) a Burn Research Grant Account.

"(b) PROVISION OF FUNDS TO ACCOUNTS.—Each such account shall consist of such amounts as may be—

"(1) appropriated to it in appropriation Acts;

"(2) deposited in it from amounts made as donations;

"(3) deposited in it as provided in paragraph (2) of section 108 of the Benjamin Franklin National Memorial Commemorative Coin Act; or

"(4) paid to it as provided by subsection (c).

"(c) MANAGEMENT OF TRUST FUND.—Section 9602(b) of the Internal Revenue Code of 1986 (relating to the management of trust funds) shall apply with respect to the Fund.

"(d) EXPENDITURES FROM ACCOUNTS.—

"(1) INITIAL EXPENDITURES.—In the year following the date specified in section 106(c) of the Bejamin Franklin National Memorial Commemorative Coin Act, an amount not to exceed—

"(A) the principle and interest from the accounts established by— . . .

"(i) subparagraph (A) of subsection (a)(2) shall be available, as provided by appropriation Acts, to establish the Museum; and

"(ii) subparagraphs (E) and (F) of that subsection shall be available, as provided by appropriation Acts, to carry out sections 209 and 210 of the Fire Service Bill of Rights Act, respectively;

"(B) the interest earned from the accounts established by paragraphs (B), (C), and (D) of subsection (a)(2) shall be available, as provided by appropriation Acts, to carry out sections 29 through 31, respectively, of this Act.

"(2) SUCCEEDING YEARS EXPENDITURES.—In the years after the year following the date specified in section 106(c) of that Act, an amount equal to the interest earned from the accounts contained in subparagraphs (A) through (D) of subsection (a)(2) shall be available, as provided by appropriation Acts, to carry out sections 28 through 31, respectively, of this Act.".

SEC. 208. PLACING NATIONAL FIRE ACADEMY WITHIN THE FIRE ADMINISTRATION.

Section 7(a) of the Fire Prevention and Control Act of 1974 (15 U.S.C. 2206(a)) is amended by inserting "within the Administration" after "establish".

SEC. 209. CONTRACT FOR HAZARDOUS MATERIALS ACCIDENT RESPONSE EQUIPMENT.

(a) DETERMINATION OF EQUIPMENT NEEDS.—Within 6 months after the date of the enactment of this Act, the Administrator shall issue specifications regarding the type and configuration of computer equipment that will be provided to the fire service pursuant to this section.

(b) REQUIREMENT TO ENTER INTO CONTRACT.—Within 18 months after the date that coins are first issued under title I, the Administrator shall enter into a contract using competitive procedures to procure computer equipment meeting the specifications issued under subsection (a). The contract shall require that all equipment purchased under the

contract must be delivered within 6 months after the date that the contract is entered into.

(c) FIRE DEPARTMENTS TO RECEIVE EQUIPMENT.—Each State desiring to obtain equipment under this section shall, within 6 months after the date of the enactment of this Act, submit a list containing the address and chief officer of each fire service in that State that wants to obtain equipment under this section. The Administrator shall compile the lists received from the States into a single list for use as described in subsection (b).

(d) SOURCE OF FUNDS.—Amounts made available to carry out the contract under subsection (b) shall be derived from the Hazardous Materials Response Computer Account of the Fund.

(e) BUDGET ACT COMPLIANCE.—The Administrator may enter in a contract under this section for any fiscal year only to such extent or in such amounts as are provided in advance appropriation Acts.

SEC. 210. BURN RESEARCH AND EDUCATION GRANT.

(a) IN GENERAL.—The Administrator shall make a grant to a national firefighter's burn foundation that the Administrator determines is deserving of such a grant. The foundation must be dedicated to reducing burn injuries in order to be eligible to receive a grant. Any such foundation may apply for the grant, but a grant may be made to only

one foundation. The grant may be made under this subsection only in the fiscal year beginning October 1, 1990.

(b) APPLICATION.—The grant referred to subsection (a) may not be made unless an application is made to the Administrator at such time and in such manner as the Administrator may require. The Administrator shall establish requirements, other than those specified in subsection (a), necessary for the awarding of the grant.

(c) SOURCE OF FUNDS.—Amounts made available for the grant under subsection (a) shall be derived from the Burn Research Grant Account of the Fund.

SEC. 211. INFORMATION CONCERNING PROCEDURES FOR THE ACQUISITION OF SURPLUS FEDERAL PROPERTY.

(a) PREPARATION OF MANUAL.—The Administrator, in consultation with the Administrator of General Services shall prepare, and make available to State fire marshals upon their request, a manual describing the procedures through which the Federal Government disposes of surplus prop- erty under the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 471 and following). The manual should highlight how such fire services could obtain surplus property.

(b) DATE OF AVAILABILITY.—The Administrator shall make the manual referred to in subsection (a) available within

12 months after the date of the enactment of this title and shall update the manual at such times thereafter as is necessary to reflect changes in the procedures described in the manual.

SEC. 212. INFORMATION ON INFECTIOUS DISEASES.

The Administrator shall distribute information to each State fire marshal relating to the infectious diseases to which firefighters are particularly vulnerable. The Administrator shall distribute this information within 12 months after the date of the enactment of this title and shall update the information at such times thereafter as is necessary.

SEC. 213. USE OF DONATIONS.

Section 21 of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2218) is amended by adding at the end the following:

"(f) USE OF DONATED FUNDS.—The Administrator may accept a donation under subsection (b)(2) that is conditioned on its being used to fund activities under section 28, 29, 30, or 31. Such a donation shall be deposited in the Trust Fund account funding the respective section.".

SEC. 214. DEFINITIONS.

(a) DEFINITIONS RELATING TO THE FEDERAL FIRE PREVENTION AND CONTROL ACT OF 1974.—Section 4 of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2203) is amended by—

(1) redesignating paragraph (4) as paragraph (5), paragraph (5) as paragraph (8), and paragraphs (6) and (7) as paragraphs (10) and (11), respectively;

(2) adding after paragraph (3) the following:

"(4) 'firefighter' has the meaning that term is given in paragraph (2) of section 1203 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796b(2));"

(3) adding after paragraph (5), as redesignated, the following:

"(6) 'Fund' means the Firefighter Assistance Trust Fund;"

"(7) 'institution of higher education' has the meaning that term is given in section 1201(a) of the Higher Education Act of 1965 (20 U.S.C. 1141(a));" and

(4) adding after paragraph (8), as redesignated, the following:

"(9) 'Museum' means the National Fire Center and Museum;".

(b) DEFINITIONS RELATING TO TITLE II.—As used in this title—

(1) the terms contained in section 4 of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2203) apply with respect to this Act; and

(2) the term "fire marshal" means an individual who is the head of a State agency responsible for the regulation of fire services in that State.

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II

101ST CONGRESS
2D SESSION

H. R. 4522

IN THE SENATE OF THE UNITED STATES

MAY 9 (legislative day, APRIL 18), 1990

Received; read twice and referred to the Committee on Commerce, Science, and Transportation

AN ACT

To improve the information available to emergency response personnel in the field, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Firefighters' Safety Study Act".

SEC. 2. REVIEW.

The Administrator of the United States Fire Administration (hereafter in this Act referred to as the "Administrator") shall conduct a review of existing response information used by emergency response personnel at the State and local levels to evaluate its accuracy and consistency, and to determine whether it is properly expressed. Such information should clearly communicate to emergency response personnel the probable hazards which they must contend with in an emergency situation involving hazardous materials, and the appropriate response to those hazards.

SEC. 3. WORKING GROUP.

For the purpose of carrying out section 2, the Administrator shall establish a working group which shall, at a minimum, consist of—

(1) program officials from each of—

(A) the Environmental Protection Agency;

(B) the National Oceanic and Atmospheric Administration;

(C) the Department of Transportation;

(D) the Occupational Safety and Health Administration; and

(E) the Bureau of Alcohol, Tobacco, and Firearms,

who develop and disseminate hazardous materials identification and response data, and who collect, collate,

analyze, and disseminate hazardous materials incident data;

(2) State and local operational officials with emergency response or relevant regulatory responsibilities; and

(3) representatives of companies engaged in the manufacture and processing of chemicals.

SEC. 4. REPORT AND RECOMMENDATIONS.

The working group established under section 3 shall, within 1 year after the date of enactment of this Act, submit a report to the Administrator and to the Committee on Science, Space, and Technology of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate presenting the results of the review carried out under this Act, along with recommendations to ensure that response information disseminated to emergency response personnel is appropriate for operational personnel at the local level.

SEC. 5. ANNUAL REVISION OF RECOMMENDATIONS.

After the submission of the report cited in section 4, the working group established under section 3 shall meet as needed, but at least once every 12 months, to review and recommend changes and additions to the report cited in section 4, that are necessary and appropriate for operational personnel at the local level.

1 **SEC. 6. DEFINITION.**

2 As used in this Act, the term "emergency response per-
3 sonnel" means personnel responsible for mitigation activities
4 in a medical emergency, fire emergency, hazardous material
5 emergency, or natural disaster.

Passed the House of Representatives May 8, 1990.

Attest: DONNALD K. ANDERSON,

Clerk.

Senator BRYAN. I look forward to the testimony of a number of distinguished witnesses, but I am pleased first to recognize the distinguished Senator from the State of Pennsylvania, my colleague and friend, Senator John Heinz.

STATEMENT OF HON. JOHN HEINZ, U.S. SENATOR FROM PENNSYLVANIA

Senator HEINZ. Mr. Chairman, thank you very much. It is a great pleasure to be here with the Committee and I particularly appreciate the Committee holding this hearing at this early hour, considering the late hour we adjourned last night, around 1.00 a.m.

I want to note in particular that I am very pleased and honored to be here and to have here on this side of the Capitol my friend and colleague from the House, Curt Weldon, who will be testifying in just a few minutes.

Mr. Chairman, I want to say, too, I appreciate your very, very kind words about S. 1933. Quite correctly you have described the bill. It is the Benjamin Franklin Memorial Fire Service Bill of Rights Act. This is legislation which I have got to give a lot of credit to Curt Weldon and the members of the House. They did most of the original work. I did have the honor and pleasure of introducing it here in the Senate, where it is now co-sponsored by some 40 members of our body in addition to myself. In addition, there are over 250 members of the House of Representatives who have co-sponsored it. I might add not insignificantly, but there are some 3 million members of the American fire service community who are supporters and enthusiasts for the bill.

Mr. Chairman, S. 1933 will authorize the minting of three commemorative COINS. a $5 gold coin, a $1 silver coin and a half dollar. The purpose of this legislation is to honor the legacy of Benjamin Franklin. The proceeds from the sales of the coins will accomplish this purpose by funding two important programs. First, some 25 percent of the proceeds will go to the Benjamin Franklin Memorial, which was designated by Congress back in 1972 as the official memorial to Benjamin Franklin.

Secondly, and perhaps more importantly, the bill will honor Ben Franklin as the father of the first volunteer fire company by distributing the remaining 75 percent of the proceeds to several programs to benefit the fire service community.

Those of us who are from Pennsylvania, Mr. Chairman, are exceedingly proud of Ben Franklin. He was the original Renaissance man. He is the only so-called

founding father who signed all four of the great documents of that PERIOD. the Declaration of Independence, the Constitution and the two treaties with France and Great Britain at the end of the Revolutionary War.

He was the first person to introduce the idea of an almanac Poor Richard's Almanac. He plotted the gulf stream. He founded the American Philosophical Society. He founded the University of Pennsylvania. The Franklin stove, of course, he can claim. He was our first postmaster, our first ambassador to England, then France. He founded America's first insurance company.

But above all, this legislation, S. 1933, seeks to recognize a particular contribution that he made that remains a vibrant part of America's living history today, and that is his formation of the first volunteer fire company, which he founded in Philadelphia. His spirit that is carried on every day by 3 million fire service professionals and volunteers across the country. And it is these courageous and dedicated individuals who we seek to recognize and who we believe deserve the recognition and encouragement that this legislation confers.

We all recall that during his campaign for the Oval Office, President Bush spoke of a thousand points of life. That phrase holds true for the firefighters more than any other group in the United States of America. Why you may ask? Because some 85 percent of these firefighters—I know you have them in Nevada the same as I do throughout Pennsylvania—are volunteers.

Mr. Chairman, let me take one brief minute to explain some of the programs which the fire service bill of rights will help to initiate. As I mentioned, 75 percent of the surcharges from the sale of these commemorative coins will be used to assist the fire service. S. 1933 will expand the Public Safety Officers' Death Benefit Program by providing educational scholarships to the children and surviving spouses of fallen firefighters.

It will establish a scholarship fund for students wishing to pursue degrees in the fire sciences, initiate a matching grant program to permit fire departments to purchase computers and other communications equipment, grant funds to institutions committed to burn injury research and treatment and help construct a fire museum here in the District of Columbia.

Mr. Chairman, one other point. I mentioned the 25 percent that goes to the Franklin National Memorial. It might be interesting to note that the Franklin National Memorial is the only official national memorial of any kind that does not receive taxpayer funds and is cared for with the funds generated by a private nonprofit institution, the Franklin Institute.

The Institute has developed a very comprehensive plan to renovate and restore the memorial and to also establish a new world-class awards program similar to the Nobel Prize in scope that will reward individuals who excel in business leadership and science.

Mr. Chairman, I know that Congressman Weldon is going to testify. I am delighted he is here, as I mentioned. I know that there are one or two minor changes that the House Science, Space and Technology Committee made, which perhaps Congressman Weldon will testify to. I think there are probably one or two similar modifications we can make on this side. Indeed, I would hope that we move quickly on the legislation, with any necessary modifications of that type, so that the Senate can take up this legislative session and pass it before our legislation ends.

I thank you again, Mr. Chairman.

[The statement follows:]

STATEMENT OF HON. JOHN HEINZ, U.S. SENATOR FROM PENNSYLVANIA

Mr. Chairman and Members of the Committee, I am pleased to appear before you today to speak on behalf of S.1933, the Benjamin Franklin Memorial Fire Service Bill of Rights Act. This legislation which I introduced In the Senate is cosponsored by 40 of our Senate colleagues and supported by 250 House members and over three million members of the American fire service community.

S.1 933 will authorize the minting of three commemorative coins-a $5 gold coin, $1 silver coin and a half dollar. The purpose of this legislation is to honor the legacy of Ben Franklin. The proceeds from the sale of these coins will accomplish this purpose by funding two important PROGRAMS. First, 25% of the proceeds will go to the Benjamin Franklin Memorial which was designated by Congress in 1972 as the official memorial to Ben Franklin; Secondly, and perhaps more importantly, the bill will honor Ben Franklin as the father of the first volunteer fire company by distributing the remaining 75% of the proceeds to several programs to benefit the fire service community.

As George Washington is remembered as the Father of our great nation, Ben Franklin might well be the Grandfather. He was a scholar and statesman of the highest order, and although he called himself nothing more than a printer, Franklin was the only one of America's Founding Father's who signed all four of the principal documents that led to the establishment of this great nation—the Declaration of Independence, the Constitution, the Treaty of Alliance with France, and the Treaty with England at the end of the Revolutionary War.

A quick look into history shows that Ben Franklin was the epitome of all that America was to become. Among other things, he explored the secrets of electricity and the plotting of the Gulf Stream; penned Poor Richard's Almanac and an autobiography considered one of the greatest ever written; founded the University of Pennsylvania and the American Philosophical Society; published a variety of sage and popular periodicals; invented bifocals and The Franklin Stove; served as America's first Ambassador, Initially to England and then with our first ally, France; acted as the President of Pennsylvania and America's first Postmaster, and created America's first Insurance company.

Mr. Chairman, this legislation, S.1 933, seeks to recognize the Important contributions the fire service has made to America. The legacy which began when Ben Franklin formed the first volunteer fire company In Philadelphia, is carried on everyday by three million fire service professionals across the country. It Is these courageous Individuals who we seek to pay tribute. During his campaign for the Oval Office, President Bush spoke of "a thousand points of light". That phrase holds true with firefighters more than any other group. Why? Because 85% of the firefighters in America are volunteers.

Let me explain some of the programs which the "Fire Service Bill of Rights" will help to Initiate. 75% of the surcharges from the sale of the commemorative coins will be used to assist the fire service. S.1 933 will expand the Public Safety Officers Death Benefit program by providing educational scholarships to the children and surviving spouses of fallen firefighters. it will establish a scholarship fund for students wishing to pursue degrees in the fire sciences, initiate a matching grant program to permit fire departments to purchase computers and other communications equipment, grant funds to Institutions committed to burn injury research and treatment, and help construct a fire museum here in the District of Columbia.

In addition, this legislation will direct that 25% of the proceeds from the sale of the commemorative coins will go to the Benjamin Franklin National Memorial. These monies would be used for the restoration and renovation of the Memorial, acquisition and archiving of Franklin artifacts and memorabilia, and for charitable and equitable purposes. The three coins shall be issued in uncirculated, proof qualities and will be emblematic of the bicentennial of Franklin's death, the Franklin Memorial, and the contributions of Mr. Franklin.

In keeping with the Franklin tradition of entrepreneurship, the Franklin National Memorial is the only official national memorial that does not receive taxpayer funds and Is cared for with the funds generated by a private, non- profit institution. The Franklin Institute which administers the Memorial has developed a comprehensive plan that not only provides for the renovation and restoration of the Memorial, but which also Includes the establishment of a new world-class awards program similar to the Nobel Prize In scope that will reward Individuals who excel in business leadership and science.

Mr. Chairman, last year, our colleague in the House, Curt Weldon, who l understand will testify next, introduced similar legislation. Although a few minor changes were made by the Science, Space and Technology committee, the bill received the enthusiastic support of that body. Their recommendations improved the legislation to ensure that the proceeds of the coin sales are used effectively to assist fire departments across America.

Mr. Chairman, l understand that the bill before us, S.1 933, will need to be modified. I hope that this can be done without diminishing the Important programs It establishes. Swift action In this body will make it possible for the "Fire Service Bill of Rights" to be sent to the President this year.

Senator BRYAN. And we thank you very much, Senator, for your leadership, not only on this issue, but others involving the fire service. And I might just add parenthetically, although we cannot call Ben Franklin a native son, in Nevada we think that he is Pennsylvania's gift to the nation. So we all share in his

accomplishment as an American, and he was truly an extraordinarily remarkable man. It seems entirely appropriate that we cast these commemorative coins in his honor.

Senator HEINZ. Mr. Chairman, thank you.

Senator BRYAN. Thank you very much, Senator. We are delighted to have your testimony this morning.

Let us call our counterpart from the other body, who is also a leader in these issues, the Honorable Curt Weldon, Representative of the 7th District from the State of Pennsylvania. No stranger to this Subcommittee, I might add, Senator Heinz. He is over here a good bit on behalf of the fire service.

STATEMENT OF HON. CURT WELDON, U.S. REPRESENTATIVE FROM PENNSYLVANIA

Mr. WELDON. Good morning, Senator and Mr. Chairman. Thank you, once again, for allowing me the opportunity to come before you to discuss not only the Ben Franklin Memorial Fire Service Bill of Rights Act, but also Congresswoman Jan Meyers' enclave Fire Protection Act.

Let me begin by applauding you for your continued leadership, not just on this Committee, but also on behalf of the Nation's fire service. As one of the seven officers of the congressional fire services caucus, you have in fact led Congress in restoring some recognition that has been long overdue to our - - America's first defense, against national disaster and emergency. I applaud you for that. The 385 members of our caucus who look to you and to me and to the other leaders for guidance and leadership thank you for your efforts on behalf of the Nation's fire service.

Let me say this morning, Mr. Chairman, that this is a very significant piece of legislation, because it provides the first significant congressional recognition for the men and women who have been there whenever America faces a disaster. In the last two years we have seen everything; an earthquake in San Francisco, Hurricane Hugo in the Carolinas, the wildlands fires in Colorado and in Alaska, the downing of the DC-10 in Sioux City, the Avianca crash in Long Island, NY, the nursing homes fires in Tennessee and Virginia where we had multiple loss of life, and the oil refinery explosions in Texas.

Every one of those incidents, every one of them, was responded to first by the members of our Nation's fire service. The men and women who make up the 30,000 fire departments of this country, are not people who just respond to fires and medical emergencies. They are truly America's first line of defense. They are our domestic defenders against any disaster we may face.

Contrary to what the FEMA bureaucrats have represented over the past few years, we do not respond to our disasters through the civil defense network. The first line of defense in this country for every disaster is the American Fire Service.

Part of the testimony you are going to hear later today, which I believe to be totally misguided, has been put together by FEMA and illustrates the paranoia that agency has concerning the political strength and the real strength of the American fire. We have finally gotten the attention of FEMA. We are no longer going to allow the fire service to roll over and play dead while FEMA continues to reap the financial benefits of the support of this Congress and the administration. This is not appropriate when in fact, the first response to all of our disasters is not provided by FEMA or any of its entities. The first line of response to our disasters has been, continues to be and will be in the future, the American fire service.

So, I am here to support this long overdue legislative attempt to recognize the fire service for what it has been, what it does and what it will continue to do for

America whenever we face a disaster. It provides some basic nuts and bolts recognition. It recognizes these people as our first responders and provides a national museum to bring public attention to their many achievements. It also provides for: recognition of their children and loved ones that remain after they are killed or seriously injured in the line of duty, educational grants and scholarships. These single one-shot programs will be funded through the sale of coins minted by the United States Treasury.

This legislation has received unanimous support of every major fire and emergency service group in America. There is no group that has not supported this legislation, representing the paid fire chiefs and volunteer fire chiefs; the paid and volunteer firefighters; the instructors; the National Fire Protection Association, the premiere technical organization that sets all of our standards and guidelines for fire and life safety in this country and really throughout the free world.

All of these organizations and many more have come together in support of this piece of legislation, because for the first time, it provides long-overdue recognition. There are those in the Congress and perhaps in the administration who would say, well, there is not a Federal role for the government to play in terms of the fire service. I do not have to remind this chairman, because of your leadership, that it was this Congress and the administration that passed the Superfund reauthorization amendments, one provision of which, SARA Title III, mandated levels of training and levels of resources for the Nation's fire service, yet provided no resources to meet those requirements.

So this is institution and the Federal Government has taken steps to require certain levels of training and resources to meet our hazardous materials emergencies around the country, yet we have not provided the funding to buy the computer systems to evaluate those local situations, to buy the equipment, to do the research and to make sure that these men and women, nationwide, are properly prepared to deal with these disasters.

This is one way that we can provide some of those resources with no tax dollars. It also gets at the heart of what the fire service is all about. 85 percent of these men and women in America are volunteers. They do what they do without pay, without any kind of remuneration. This bill allows them, through the sale of a coin honoring them, to raise the funds to help them to be provided with the resources that they need to do the job that they want to do for the citizens of our country.

I think it is in the best tradition and spirit of, not just Ben Franklin, but of the Nation's fire service, that we give them that opportunity through the sale of coins. Some would say that we should not recognize a special interest group and allow them to perhaps make some benefit from the sale of coins. I can think of no better group of people that we can honor for the minting of a coin and that we can provide proper recognition and support through the sale of a coin than the Nation's fire service, who for 250 years have, day in and day out, responded to all of our disasters and in return have asked for nothing except for recognition from us, the elected officials of this country, to allow them to continue to respond to meet the needs that we know are going to be there tomorrow and next week and next year.

So truly this is a golden opportunity for us in the Congress to recognize these brave men and women and give them the kind of support and recognition that they truly need and deserve.

The appropriate committee on the House side, chaired by Congressman Roe, unanimously reported the bill out of committee back in February of this year, unanimously, and the bill has been stalled temporarily in our Coinage

Subcommittee on the House side, which is extremely frustrating to me. As Senator Heinz mentioned, we do not just have 250 co-sponsors. On the House side we have 272 co-sponsors, more than any other coin bill that has come before the 101st Congress, indicating the broad bipartisan support that this issue has in the House.

Just a few members of the Coinage Subcommittee unfortunately have held this bill up for some reasons that I think are somewhat short-sighted. Number one, they have said because of the administration, once again, the Treasury Department, that the coinage estimates are too high.

Mr. Chairman, I would tell you that the estimates for the coins and the amount of the sales were provided not by myself, but by Mr. Charles Andes. Mr. Andes for years was the chairman of the board of the Franklin Mint, the world's largest private mint, headquartered in Pennsylvania. Since his retirement, he has become the voluntary unpaid chairman of the board of the Franklin Institute.

Mr. Andes is a numismatic expert. He has spent a lifetime in the field of coins and coinage, working very closely with our Treasury and other countries around the world and their treasuries and their minting. Mr. Andes and his professionals came up with the estimates in terms of what was doable in terms of coin sales.

But we have even remained flexible in that regard, that if perhaps there was discussion or needed to be some changes in the total coins, we are willing to work with that issue. So the issue of the number of coins is one that we are continuing to look at and would be happy to look at with your Committee as well.

A second issue that has been raised that I think needs to be addressed and will be proposed by a good friend of mine and someone who is, I guess, appearing before your Committee for the first time, in his new position as the U.S. Fire Administrator, Olin Greene, will be the issue of the fact that we have perhaps raised the expectations of the fire service.

Mr. Chairman, I cannot put words in Olin Greene's mouth, but he is simply echoing the written testimony that FEMA has provided to him. FEMA is so paranoid about the political reality of the power of the fire service in this country that they are running for cover at their headquarters.

Mr. Chairman, it is about time that we recognize the fire service for what it is, the responders to America's disasters and emergency situations. The FEMA hierarchy has got to learn a lesson loud and clear, and if they do not learn a lesson from this issue, they are going to learn a lesson from our caucus that no longer is the fire service going to be the tail wagging behind the dog which has been FEMA since it has managed to take over some of the responsibilities that have long been the major priority of the fire service for this country. I cannot make it any louder and clearer than what I am saying today.

I am hopeful that the new leadership in FEMA will finally have some enlightened attitudes toward the Nation's fire service. Mr. Stickney, who—I think whose name will be sent up, if it has not been already, to your body for confirmation hearings, I think has an appreciation for the fire service that has been absent and void in the FEMA structure for years. And that has been totally short-sighted, and it has hurt the Nation's fire service, I think, unfairly.

So when Mr. Greene today has to present, as he does, the testimony on behalf of FEMA and the Fire Administration on this bill and says we are raising the expectations of the fire service, I say hogwash. It is about time after 250 years that we give these men and women some recognition that has long been overdue. The real reason that FEMA is so upset with this legislation, Mr. Chairman, is not the expectations being raised. It is because of one provision that does something that I, and I think I know you feel very strongly about, and that is returning the

United States Fire Academy to its rightful position under the U.S. Fire Administrator and the Fire Administration.

You see, Mr. Chairman, several years ago, FEMA saw the fire service for what it is. It is the engine that drives their financial train. Whenever they have had their funding cut, they have relied on the Nation's fire service to go out there and beat the drums and get their funding restored by the fire service of this country.

FEMA has played that game too long. And as a part of that action, they took the Fire Academy, against the explicit requirement of the legislation creating the Fire Academy, and moved it over under FEMA and the Emergency Management Institute, away from the U.S. Fire Administrator. A short-sighted decision, a slap in the face of the American fire service, and one of the top priorities that I have in changing is to restore the Fire Academy back where it belongs, under the control of the U.S. Fire Administration, the U.S. Fire Administrator.

It is certainly ironic that the new U.S. Fire Administrator, who one week ago was the State fire marshal in Oregon has to come before this Committee and present the rhetoric of FEMA in terms of the Fire Academy and a reason why FEMA would want this bill opposed.

So I would hope, Mr. Chairman, that you would continue with your loud voice the kind of feelings on this side of the Congress that I will be echoing on our side of the Congress in terms of the proper role of the Nation's fire service. They do not want more and bigger government. They primarily want to be left alone. They primarily want to be allowed to do the job that they have been doing for 250 years. Yes, they want to be recognized, and yes they would appreciate when we mandate something upon them that we give them the resources to meet the demands that we in fact have placed upon them. This legislation does that.

So I would hope that you would use the power and influence that you have, which is absolutely critical in this process, that the Senate would send a signal to the House to get this bill off of dead center and to move it quickly. If there are technical changes necessary, in terms of the minting of the coins, slipping the date of the coins back, the amount of the coins, we are willing to work on that issue. But let us not ignore these men and women who deserve our respect and who deserve our recognition.

So with that, I hope I have not been too emphatic, but if I have, I have done it deliberately to try to convey some of the frustrations that I have felt.

I would like to submit for the record letters from every major fire chief in America, from all of the big cities and all of the small towns that were sent to speaker Tom Foley; Republican leader Bob Michael; the chairman of the Banking Committee, Henry Gohzalez; and the ranking member Chalmers Wiley to try to get the Banking Committee to move off of dead center of this bill in the Coinage Subcommittee on the House side. I would like to submit them for the record.[1]

Senator BRYAN. That will be made a part of the record by reference. You can be assured, Congressman, that this Committee will continue to provide the kind of leadership and support to the fire service that you and other advocates have had a right to expect over the years. We really appreciate your testimony, and it is coming through loud and clear.

Senator MCCAIN. Mr. Chairman, may I just mention something?

Senator BRYAN. You certainly may.

Senator MCCAIN. I do not know why anyone would ever assume that Congressman Weldon is too enthusiastic on an issue.

In fact, it is his enthusiasm and dedication which have brought us where we are on many of these very important fire service-related bills. Again, it is always

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[1] The letters were not reproducible.

a great pleasure not only to hear from you, but to be in your presence as you pursue these issues with such dedication and zeal.

Thank you.

Senator BRYAN. We are joined this morning by Congresswoman Jan Meyers from the 3d District of the State of Kansas. She will address H.R. 4522. The support for the fire service cannot be characterized as regional at all.

We are delighted to have you here this morning and welcome you to our Committee. I would indicate that the Subcommittee would intend no rudeness. We will have some back-to-back votes, as Senator McCain knows, fairly shortly. So if we have to leave you, it is not an intended slight. Let

STATEMENT OF HON. JAN MEYERS, U.S. REPRESENTATIVE FROM KANSAS

Ms. MEYERS. Senator Bryan, Senator McCain, thank you very much for holding these hearings and I will be relatively brief. In fact, I will kind of read through this quickly because I know that your time is very important. I am very pleased that you are holding this hearing on H.R. 4522, the Firefighters Safety Study Act.

I introduced this bill in an attempt to rectify one of the issues raised by the United States Fire Administration in its report concerning the tragic fire and explosion in Kansas City on November 29, 1988 when 45,000 pounds of ammonium nitrate in a burning trailer exploded at a highway construction site, killing six firefighters. The bill would require formation of an interagency working group to review and coordinate the information provided to emergency responders involving hazardous materials.

I made this recommendation to the House Government Operations Committee in March 1989, and in its report on this tragedy released in June of 1989, the Committee proposed that such a working group be formed. The House passed the bill on May 8, 1990 by a vote of 410 to zero.

Mr. Chairman, there are currently 14 Federal agencies involved in the National Contingency Plan for hazardous material accidents. They include the Environmental Protection Agency; the Department of Transportation; the Bureau of Alcohol, Tobacco and Firearms; and the U.S. Fire Administration. In addition, the Occupational Safety and Health Administration is responsible for the Material Safety Data Sheets, the MSDS, that go to local emergency planning committees.

The issue of coordination raised by the U.S. Fire Administration in its report was not a direct contributor to the incident in Kansas City, but was a recommendation arising from their investigation which it felt had serious implications for the nation's fire service. Specifically, the U.S. Fire Administration recommended that a review be made of the operational field guidance materials commonly used by first responders in the field to ensure that they are both accurate and clearly stated.

The principal problem with the materials currently in use in the field is that while they are generally accurate, they are not written from the perspective of a first responder since sometimes this is not their intended audience. For example, the Department of Transportation's Emergency Response Guide is used by chemical companies, shippers and carriers, as well as emergency responders. The Material Safety Data Sheets required by Title III of Superfund were originally designed by OSHA for the guidance of workers during normal operations, not emergencies.

There are occasional contradictions. The MSDS for ammonium nitrate recommends immediate evacuation of the area for any fire involving it, while the

Emergency Response Guide says to fight a fire or equipment fire involving ammonium nitrate with water. But under the next subheading, it recommends that the area be evacuated in the case of a cargo fire.

The U.S. Fire Administration staff felt in its investigation in Kansas City that even if the six firefighters who died had known the contents of the burning trailer, they might have acted the same based on the guidance contained in the Emergency Response Guide, a copy of which was found at the scene. The problem in this instance was not with the accuracy of the information, but rather the manner of its presentation which could be subject to misinterpretation, particularly by operational personnel who have to make an immediate decision on the scene of an incident at 3.00 in the morning, trying to decide whether a fire is an equipment fire or a cargo fire.

Subsequent to the release of the USFA's report last winter, the Department of Transportation held routine hearings to update their Emergency Response Guide. During the course of these hearings, both the International Association of Fire Fighters and the International Association of Fire Chiefs raised serious questions concerning the adequacy of the Emergency Response Guide in meeting the needs of firefighters at the scene of an incident involving hazardous materials.

The information that is prepared for responders to hazardous materials incidents has to be considered from an operational perspective as opposed to a transporter's or one who works with hazardous materials. Attention must be paid to the people who will be using it in the field.

I believe the strongest part of my legislation is the requirement that representatives of State and local emergency response personnel be members of the working group. Firefighters are the ones who can advise on how best to present the information. They can also point out what information is not needed and how to guard against an overload of information. If there is too much information available, it can be difficult to find the right information in time.

This bill has been endorsed by the National Fire Information Council and the International Association of Fire Chiefs.

Taking all of this into consideration, and wishing to do everything possible to prevent the reoccurrence of the tragedy in Kansas City, this bill proposes that the United States Fire Administrator, the spokesman for the nation's fire service in the executive branch, be charged with the responsibility of reviewing existing hazardous material response information, with appropriate assistance from the others involved Federal and local agencies to ensure that our nation's fire service has the best possible information with which to do its dangerous job and better protect the communities in which we all live.

I thank you, Mr. Chairman, and I would be happy to respond to any questions which you may have, if you are not pressed for time from your votes.

Senator BRYAN. Thank you very much for your testimony and joining us this morning.

Let me yield to my colleague, Senator McCain, if he has any questions at this point.

Senator MCCAIN. I do not. Thank you, Jan, for being involved in this very important issue. We thank you very much for coming over.

Ms. MEYERS. I appreciate your consideration of this important legislation.

Senator BRYAN. Thank you so very much. I know you are busy, and we appreciate you sharing your time with us this morning.

Let me yield and give to my colleague, Senator McCain, an opportunity to make a statement. He just asked a couple of questions is all.

Senator MCCAIN. Thank you, Mr. Chairman.

Very briefly, as you know yesterday, we celebrated a wonderful event. The President signed the Americans with Disabilities Act, which will give millions and millions of Americans equal opportunity in our society. There are 24 million Americans, as you know, Mr. Chairman, who are hearing impaired. I hope that in the course of this hearing, and in the future, we will explore ways to provide fire protection and fire warning for hearing impaired Americans. Right now they are clearly at great risk under present circumstances away from home and at home.

Thank you, Mr. Chairman.

Senator BRYAN. I appreciate that comment. I know that your interest and concern in this area is not one of a transitory nature. Since I have come to the Congress in the last 18 or 19 months, I have heard Senator McCain speak to this issue many, many times. So I know that is something you are deeply concerned with, and it is a long-term personnel conviction that you have. And I hope, we too, will have that opportunity.

Let me now invite to join us Mr. Olin Greene, who is the newly appointed administrator of the U.S. Fire Administration.

Mr. Greene, welcome in morning. Let me give you the caveat and disclaimer that I gave a couple previous witnesses. The Senator and I may be called away shortly for a back-to-back vote, but things that are predicted to occur here in the Congress, particularly in the Senate at a particular time, probably happen more often by way of exception than the general rule, so we may be here uninterrupted to hear your comments.

But welcome, and we are delighted to have you here with

STATEMENT OF HON. OLIN L. GREENE, ADMINISTRATOR, U.S. FIRE ADMINISTRATION

Mr. GREENE. Thank you, Mr. Chairman, and good morning. I am Olin Greene, for the record, Administrator of the United States Fire Administration.

Senator MCCAIN. Is this your first official appearance before the Committee.

Mr. GREENE. Yes, sir, it is, since my appearance before you several weeks ago.

I was recently sworn in by the Acting Director of the Federal Emergency Management Agency and I would like to take this opportunity to express my sincere appreciation for your expeditious consideration of my nomination. I look forward to working with you, Mr. Chairman, and your colleagues of the Consumer Subcommittee in addressing the legislation that is before us today.

I first would like to address H.R. 4522, the Firefighters Safety Study Act. Today the Nation's career and volunteer fire service provide emergency response to a growing array of hazards. In addition to structural fires and emergency medical activities, these hazards include an increasing number of incidents involving explosives and volatile chemicals.

To deal effectively with these requirements, firefighters must be furnished with the proper equipment and they must receive the proper training. Firefighters must also be provided with the best available written guidance as to the hazards they face and the potential outcome of mitigation measures. This guidance must be accurate, complete, unambiguous and usable under life-threatening circumstances.

The tragedy in Kansas City, MO, in which six firefighters lost their lives, illustrates the current state of response information. Although the firefighters had access to the information available in the current Hazardous Material Guidebooks, they were unable to deduce the extent of the hazards that they faced.

Firefighters currently receive response information from a variety of Federal and private sources, and although much of this information is thorough and accurate, it does not contain clear direction for firefighters as to the optimal strategy in a given emergency situation. Information supplied by governmental agencies, such as the Environmental Protection Agency, the United States Coast Guard and manufacturers and shippers of hazardous chemicals, is generally accurate. However, it is not in a format that is readily usable by first responders. By establishing a review panel on hazardous material information the proposed legislation seems to be an appropriate avenue to increase the utility of this information. Composed of users of hazardous material response information of our fire service members and their representatives, the panel could help ensure that the most effective format and content for emergency response guidance is available to response forces. As the Federal entity responsible for fire issues, the U.S. Fire Administration seems to be the appropriate organization to coordinate such a panel.

H.R. 4522 calls for the administrator of the U.S. Fire Administration to convene a working group consisting of representatives of the Environmental Protection Agency; the National Oceanic and Atmospheric Administration; the Department of Transportation; the Occupational Safety and Health Administration; the Bureau of Alcohol, Tobacco and Firearms; other Federal agencies; and representatives of companies engaged in the manufacture and processing of chemicals. As circumstances require, the panel will also have representatives from fire service organizations and State and local regulatory agencies.

The panel will meet to review existing information and within one year report to the Administrator of the United States Fire Administration, the Senate Committee on Commerce, Science and Transportation and the House Committee on Science, Space and Technology. The results of the review will yield detailed recommendations on steps which might be taken to ensure that the information available to first responders is appropriate to guide them in emergency operations.

The provisions outlined in the bill would generate the kind of emergency response guidance which will help emergency responders operate more safely and efficiently in hazardous material emergencies.

I think this Subcommittee is certainly to be commended for having the foresight to consider legislation that will, in the final analysis, make less dangerous the high-risk occupation of the firefighter.

Mr. Chairman, I also would like to speak to the Benjamin Franklin Memorial. Fire Service Bill of Rights, and thank the members of this Subcommittee for addressing the needs of the fire service community. As demonstrated in the recent hurricane and the earthquake disasters, the fire service has always responded to the call when this Nation has been threatened by a domestic emergency.

Without specifically outlining the provisions of the bill section by section, I want to stress that the concepts embodied in this legislation are noble, and the programs designed to implement them are certainly well intentioned.

In establishing the fire service bill of rights, this legislation addresses an issue on which everyone seems to agree. That members of the fire service community should be accorded the respect, honor, and support that they deserve. In doing so, we should not forget the other members of the emergency response community who deserve due recognition for their efforts.

Through the National Hero Scholarship, the Firefighter Tuition Assistance and the Hazardous Material Response Computer provisions, the bill sets the worthy goal of seeking to guarantee that the fire service receives the latest in

emergency response equipment and that they and their families have access to college tuition assistance. Because all current projected programs face the reality of limited budgetary resources, however, it is FEMA's concern that this goal can only be met through close State and local government participation.

One provision of the bill that Congressman Weldon addressed that probably should be addressed is section 208. That section places the National Fire Academy within the purview of the U.S. Fire Administration. During my hearing before you in June, the question arose as to my feelings and my opinion on this particular issue I responded that I would like the opportunity to review this with the new director of FEMA and to seek his views. Naturally the director needs the flexibility to organize the agency to best carry out the mission of the agency.

Through the United States Fire Administration and the National Fire Academy, FEMA has supported and will continue to support training, education, research and development and public education programs for the Nation's fire community. In fulfilling its mandate to implement these programs, FEMA will continue its efforts on behalf of the fire service community and is willing to work with Congress toward this end.

Thank you for the opportunity.

Senator BRYAN. We are going to have to, at this point, stand in recess. There are back-to-back votes that are going to be scheduled. So we will probably be in recess, let me just indicate until the call of the Chair, and you can be guided by that clock up there as are we.

Thank you so much.

[Recess.]

Senator BRYAN. Ladies and gentlemen, we will reconvene the hearing.

Is Mr. Greene still with us? He is indeed. Why do not we get you to join us again at the witness table. I regret that we had to have this interruption, but the reasons I believe are self-explanatory.

Mr. Greene, one of the points of contention, as you know, is the reorganization of the National Fire Academy. The proposal is to place the National Fire Academy within the United States Fire Administration, and it is my understanding that FEMA opposes that. Am I correctly informed?

Mr. GREENE. Mr. Chairman, in reviewing previous testimony on this issue, FEMA has gone on record in opposition of that particular issue. That is one reason when that question was asked of me by this Committee during the confirmation hearings, I mentioned that I would like that opportunity to speak with the new director on that issue, too. I do not know what his views will be. I can only reflect those that have been there in the past.

Senator BRYAN. I appreciate that, and those of us who have been around a while understand the nuance of language, recognize the position that you are in, because I was just looking at your testimony in response to some questions and that is essentially what you said. The Federal fire focus can ill afford fragmentation was your response. Resources have always been scarce and to properly use those resources requires a well-structured plan, a plan that is well coordinated so as to avoid the possibility of false starts and overlapping. You did indicate that you wanted to check with the new administrator there in FEMA.

Let me ask you, if I can, to put on your former hat for a moment, dating back to your days in Oregon, and simply sharing with the Committee the view of the State fire marshals on this issue, not your personal view, not the administrations view. What position do they take with respect to the proposed relocation of the Fire Academy?

Mr. GREENE. Mr. Chairman, the view of the State fire marshals, and this has been discussed with the National Association of State Fire Marshals, is very

similar to that of the other agencies within fire service. They feel that the public law, when it was enacted, intended to place the National Fire Academy under the jurisdiction of the U.S. Fire Administration, and they feel that is where it belonged and believe that is where it should be.

Senator BRYAN. Would you say that, generally, again with respect to the fire service community, if I can use the generic, that that is generally consistent with the position that others have taken in the fire service area?

Mr. GREENE. To my knowledge, that is correct; yes, sir.

Senator BRYAN. Well, Mr. Greene, I am going to ask that you remain available for any future questions that may be submitted in writing by any members of the Subcommittee, not that you have to remain here for the rest of the hearing this morning. I appreciate your testimony very much and we will look forward to sending some additional questions to you and look forward to your response to those as well.

Mr. GREENE. Thank you very much.

Senator BRYAN. Thank you very much.

The next panel, as it were, consists of Mr. Donald Cooke, who is the Vice President for External Affairs at the Franklin Institute; Mr. Steven T. Edwards, a fire chief, the chief of the Department of Prince George's County in Maryland; Mr. John C. Gerard, Washington representative of the National Fire Protection Association; and Ms. Mary McCormack, who is the Director of External Affairs, the International Society of Fire Service Instructors. I would like at this time to ask each of the panelists, if they would, to take their place at the witness table.

Let me extend to each of you on behalf of the Subcommittee a warm welcome this morning and thank you for your attendance and the testimony that you have offered and for your cooperation with this Subcommittee.

Mr. Cooke, let me ask you, if I may, if you are prepared to do so, to begin this round of testimony with your own

STATEMENT OF DONALD COOKE, VICE PRESIDENT FOR EXTERNAL AFFAIRS, FRANKLIN INSTITUTE, PHILADELPHIA, PA

Mr. COOKE. Thank you, Mr. Chairman. My name is Donald Cooke, Vice President of External Affairs at the Franklin Institute and the Benjamin Franklin National Memorial in Philadelphia. I am here to support bill S. 1933, to provide for the minting of coins in commemoration of Benjamin Franklin and to enact a fire service bill of rights and programs to fulfill those rights and to offer background information on the portion of the bill relating to the Benjamin Franklin National Memorial.

If I may make just a couple of comments about the Franklin Institute and the programs there. I did submit written testimony, but I would like to give you a little bit about what we are.

Senator BRYAN. Let me indicate, if I may interrupt, for each of the witnesses, that your full prepared testimony will be included and made a part of the record. You are not obligated to regurgitate each of those words in order to be made a part of the record. In fact, it may even be more helpful if you have some comments that you wish to make in lieu thereof or in addition, that you are invited to do so. We ask you to recognize that there are some time limitations.

But your proposed course of action, Mr. Cooke, is certainly agreeable.

Mr. COOKE. The Franklin Institute was founded in 1824, sometime after Ben Franklin's death and one of the few things in Philadelphia named for him which he was not actually the founder of. It was started by a society of scientists and businessmen to perpetuate science learning and the industrialization of America

and had many firsts throughout its very early career, including getting the first Federal research grant to study steam boiler explosions.

The museum in which the National Memorial is now housed was built and opened in 1934, as really a living shrine to Ben Franklin and to science learning. To continue that tradition as one of the earliest hands-on learning science museums in the country, and we have a magnificent hall that is modeled after the Pantheon in which a four times life-size statue of Ben Franklin stands. It is an indoor facility, but it is on the same scale and grandeur and scope as both the Lincoln Memorial and Jefferson Memorial. It is truly a magnificent thing, and I suspect that several members of the Senate have been there for one thing or another. Sometimes we have a nice event in there. It is a magnificent rotunda and room.

It was a great shrine to Franklin. It took on a little greater significance in 1972 when Congress designated it the national memorial to Benjamin Franklin, and Vice President Nelson Rockefeller presided over the ceremonies there.

Since that time we have continued to operate it and do programs in it for millions of people each year who come through both as tourists to Philadelphia and the residents of the whole Mid Atlantic region who come up to visit.

The funds from the proposed coinage legislation will help us expand that program. We have recently undergone about $72 million of improvements and this would be supplemental to that. We have raised a great deal of private money to build new exhibits and facilities, all to make the living memorial to Franklin come alive even more in this particular difficult time of science education crisis in America.

We thank, Mr. Chairman, you and the other members of the Committee for considering this and express our strong support for this particular bill.

[The statement follows:]

STATEMENT OF DONALD COOKE, VICE PRESIDENT, EXTERNAL AFFAIRS, FRANKLIN INSTITUTE

Mr. Chairman, members of the COMMITTEE. My name is Donald A. Cooke, and I am Vice President for External Affairs at The Franklin Institute and the Benjamin Franklin National Memorial.

I am here today to support Bill S. 1933, to provide for the minting of coins in commemoration of Benjamin Franklin and to enact a fire service bill of rights and programs to fulfill those rights and to offer background information on the portion of the Bill relating to The Benjamin Franklin National Memorial.

BACKGROUND

Benjamin Franklin, 200 years after his death, remains one of the most influential individuals in American history. His role as journalist and writer in colonial and revolutionary America was decisive. Franklin's record of scientific discovery in the field of electricity changed the course of human history. His list of remarkable practical inventions, from the lightning rod to bifocal lenses, altered the way we live. His insistence on the formation of community institu-tions, from libraries to volunteer firefighting companies, gave distinctive shape to American towns and cities and left a heritage of voluntarism still shaping American community service. His concern for rapid and reliable communication laid the groundwork for our national postal system.

His wisdom in the ways of human character gave him a critical role in revolutionary America and in the writing and perfec-ting of the Declaration of Independence and the U.S. Consti-tution. Franklin's world renown made him a natural candidate to serve as America's first ambassador to the nations of Europe and principal negotiator with England and France before, during, and after the Revolution. His concern for the human condition made him join America's war on slavery in his final years. His unique business acumen and spirit of entrepreneurship made him a person of considerable wealth whose will provided separate legacies for worthwhile public projects for two centuries in Massachusetts and Pennsylvania.

FRANKLIN'S IMPORTANCE

Benjamin Franklin was one of the nation's greatest Americans. He was the only one of our Founding Fathers who signed all four of the principal documents relating to the founding of our

NATION. The Declaration of Independence, the Constitution, the Treaty of Alliance with France, and the Treaty with England ending the Revolutionary War.

It is appropriate, therefore, that Benjamin Franklin should be honored by his nation through the issuance of the commemorative coins specified in this Bill.

Benjamin Franklin's character has been described as representing the best American Characteristics, creative, inventive, dedicated to public service, pragmatic, convinced of the importance of self-help, fiscally prudent.

THE FRANKLIN INSTITUTE

It was this list of important accomplishments and personal characteristics that were honored by the founding of the Franklin Institute in Philadelphia in 1824. The Institute was established by a group of industrial and scientific leaders to improve their work and productivity and to promote the understanding of science and technology. The Franklin Institute became a true living memorial to Benjamin Franklin, promoting science education, publicizing inventions and inventiveness, and fostering scientific research. The Franklin Institute is grounded, like the life and work of Franklin himself, in practical matters.

Originally established to provide training in the basic principles of science for Philadelphia's large corps of fledgling artisans and mechanics, The Franklin Institute during the 19th century became America's center for the promotion of scientific inquiry. Through studies of practical problems, such as the explosion of steam boilers on ships and the standardization of screw threads, the Institute brought scientific principles to bear on the concerns of the nation's life and commerce.

After more than a century of service to science, the Institute decided to build America's first hands-on science museum, where it could educate growing numbers of students and adults in scientific principles. Making use, in part, of funds left in a bequest to the people of Pennsylvania by Benjamin Franklin, the Institute decided to make the new museum a "living memorial" to Franklin, with scientific exhibitions radiating out from a central Memorial Hall dedicated to Benjamin Franklin.

Today, the Franklin Institute Science Museum, true to the spirit of Franklin, continues to pioneer in public scientific education to meet America's needs of the next century.

Responding to the urgent national need to upgrade the scientific literacy of our students, to meet both inter-national competition as well as our internal requirements for a citizenry prepared to enter the 21st century, The Franklin Institute Science Museum has in recent years established a national reputation as a leader in informal "hands-on" science education. It has initiated innovative techniques for training teachers in science education with a series of basic science classroom kits, and pioneered programs to allow students from all backgrounds to become interested in and understand scientific principles. These programs have been replicated across the country.

The challenge of education for the 21st century is being met by The Franklin Institute through the building of the new Franklin Institute Futures Center, the world's first science-technology center devoted to the science and technology of the future. We believe Benjamin Franklin would have been pleased to see a major institution dedicated to his memory, devoted to the understanding of science—past, present and future.

BENJAMIN FRANKLIN NATIONAL MEMORIAL

Central to the entire Museum, and serving as its principal entrance is a hall inspired by the Roman Pantheon, designed by John T. Windrim. Octagonal in shape, the Memorial Hall is 82 ft. in length, width, and height. Rare marbles from Portugal, Italy, and France were used to create the impressive walls, columns, pilasters, and cornices of the interior. A dome weighing 1600 tons rests over the Hall.

In 1938 the Franklin Institute unveiled the massive statue of Benjamin Franklin that serves as the focal point of the Hall. Rising almost 22 ft. above the floor, the rendering by the distinguished sculptor James Earl Fraser depicts a seated, contemplative Benjamin Franklin. The 30-ton statue, in matters of style, materials, and monumental scale, is evocative of the Lincoln and Jefferson Memorials.

Surrounding the statue in the Hall is an important collection of Franklin artifacts, including his printing press, bifocals, and the armonica, a musical instrument invented and played by Franklin. The statue and the Benjamin Franklin National Memorial Hall, together with the adjacent Franklin Institute Science Museum, serve as a living memorial to Benjamin Franklin for over 800,-000 visitors each year. With the opening of the Frankln Institute's new Futures Center in 1990, the annual visitor numbers are anticipated to increase to more than 1,200,000.

The Franklin Institute's unique tribute to Benjamin Franklin took on even greater significance in 1972 when Congress designated the Memorial Hall as the Benjamin Franklin National Memorial, making it the first national memorial under private care and cared for with funds generated by a private non-profit institution. Formal dedication of the new national memorial occurred on April 12, 1976.

VICE PRESIDENT NELSON A. ROCKEFELLER OFFICIALLY PAID TRIBUTE

To the only man who signed all four documents on which our United States was founded: the Declaration of Independence, the Treaty of Alliance with France, the Treaty of Peace with Britain, and the Constitution. To the man who called himself Printer, but served his country as diplomat,

inventor, philanthropist, philosopher, and scientist: to Dr. Franklin whose versatility and character stand as inspiration for all nations: I hereby formally dedicate the Benjamin Franklin National Memorial."

The Franklin Memorial remains in private hands under the care of the Franklin Institute, symbolizing aptly Franklin's lifelong tradition of enterprising entrepreneurship.

1990 ANNIVERSARY YEAR

1990 marks the 200th anniversary of Franklin's death, a year which will be widely celebrated as The Franklin Legacy Year, in recognition of the legacy of wisdom and information left to us by Franklin. The Benjamin Franklin National Memorial and the Franklin Institute, which by extension is a living memorial to Franklin, are undertaking a major program tied to the Franklin Legacy Year.

In keeping with its 165 year tradition of establishing new methods of public education in the sciences, and serving as the national center for memorializing Benjamin Franklin, The Franklin Institute has undertaken two new related major programs involving both of its primary interests.

The Institute is developing additional improvements for the Benjamin Franklin National Memorial. Present plans call not only for needed rehabilitation of the Memorial Hall and its magnificent surroundings, but major changes in and around the Hall that will make it accessible for its current public, as well as for the vastly increased number of people who will come to the expanded Franklin Institute Science Museum beginning in 1990.

Concurrent with the program for improving the Benjamin Franklin National Memorial are the Franklin Institute's plans for major expansion of the current Museum facility, combined with the completion of the new Futures Center, contiguous to the Benjamin Franklin National Memorial. Included in the plans are the creation of new science exhibits, and public educational programs interpreting Franklin's various interests for major constituencies including families, students, senior groups, etc. The expanded Museum facilities will enable the Franklin Institute, in its entirety, to continue to serve as the most important "living memorial" to Benjamin Franklin.

The Franklin Memorial will also inaugurate a major new national awards program in 1990, to be called The Benjamin Franklin National Awards. The program has received a private bequest to establish two major awards in science and business, accompanied by substantial monetary prize awards, which will help them gain international recognition. This program continues and expands the Medals Program initiated by the Franklin Institute in 1824. This series of awards will serve as a continuing reminder to our nation's young people of the timeless achievements of Benjamin Franklin.

COMMEMORATIVE COINAGE APPROPRIATE

Therefore, it is particularly appropriate that the United States pay honor to Benjamin Franklin in the Franklin Legacy Year, 1990, by issuing coinage commemorating his life, achievements and legacy. This will be accomplished through S. 1933 to provide for the minting of coins in commemoration of Benjamin Frankln and to enact a fire service bill of rights and programs to fulfill those rights.

The Legislation would also direct the Mint to offer the coins for sale to its list of buyers, and to make the coins available through authorized coin dealers, banks, and savings and loans, with broad distribution to the American public.

S.1933 will allow the expansion of the Benjamin Franklin National Memorial and The Franklin Institute Science Museum and Futures Center, the "living memorial" to Franklin, without cost to the taxpayer—perhaps the most fitting tribute to Franklin.

Senator BRYAN. Mr. Cooke, we thank you for your testimony.

Ms McCormack may we hear from you next?

STATEMENT OF MARY McCORMACK, DIRECTOR OF EXTERNAL AFFAIRS, INTERNATIONAL SOCIETY OF FIRE SERVICE INSTRUCTORS, ASHLAND, MA

Ms. MCCORMACK. Thank you, Mr. Chairman. My name is Mary McCormack. I am the Director of External Affairs for the International Society of Fire Instructors. We are headquartered in Ashland, Massachusetts. Our members, over 5,000, are fire and emergency service training instructors. They are dedicated to the mission of reducing fire losses and deaths through education. It is a pleasure to appear before your Subcommittee today and offer comments on this legislative proposal of great importance, S. 1933.

The fire service is one of the very few strands of the American fabric which continues to give community services within seconds of an emergency occurrence, be it natural or manmade. It is certainly, in and of itself, a tribute to the founder and first fire chief, Benjamin Franklin, by this legislative proposal. We applaud the members of Congress in both bodies for recognizing that firefighters do have rights and for introducing this important legislation.

America continues to burn. You need but look at the report of the National Commission on Fire Prevention and Control to understand why it continues to burn and why this legislation is essential. In the early stages of this bill, we asked the co-sponsors to recognize and acknowledge the fact that every firefighter has a right to basic training and continued professional development throughout the span of his fire service life. Only through education can we eliminate firefighter death and reduce firefighter injuries.

They responded to our request and we are most appreciative. We trust that the Senate will retain the training provision as contained in section 202 of H.R. 3587, which reads, "Members of fire services should be educated in the latest fire safety sciences and should have access to ongoing training programs to be able to take full advantage of the latest information."

Training is needed more today than ever before. Budget deficits are having an adverse impact on the level of fire protection, coupled with ever-increasing personal and social demands on these members.

Mr. Chairman, on behalf of the fire service instructors of America, I urge rapid passage of all provisions of this legislative proposal, including the provision on training.

Thank you very much for the opportunity to appear before you today and I would be happy to answer any questions.

Senator BRYAN. Thank you very much, Ms. McCormack.

Mr. Edwards, may we hear from you, sir?

STATEMENT OF STEVEN T. EDWARDS, FIRE CHIEF, CHIEF OF DEPARTMENT, PRINCE GEORGE'S COUNTY FIRE DEPARTMENT, LANDOVER, MD, REPRESENTING THE INTERNATIONAL ASSOCIATION OF FIRE CHIEFS; ACCOMPANIED BY TIM BUTTERS

Mr. EDWARDS. Good morning, Mr. Chairman. I am Steven Edwards, fire chief of Prince George's County, Maryland. I have with me today Mr. Tim Butters of the IAFC staff.

I am honored to appear before you today regarding Senate bill 1933, the Benjamin Franklin Memorial Fire Service Bill of Rights Act, and House resolution H.R. 4522, the Firefighter's Safety Study Act. Today I am representing Chief Jim Estepp, President of the International Association of Fire Chiefs, and the 10,000 IAFC members who command the majority of this nation's fire departments.

Before I discuss my testimony, I would like to also commend you, Senator Bryan, for your strong leadership and your support of the fire service, and in particular with House resolution 94 concerning hotel/motel fire safety. The fire chiefs do appreciate your support very much of our endeavors.

Senator BRYAN. Thank you.

Mr. EDWARDS. It is very unfortunate but the fire service in this country, both career and volunteer, have not had the support from the national political leadership as have other public safety organizations. The Federal Government's focus on fire prevention and protection is considered by many to be very minimal. This Nation's fire service leaders consider S. 1933 very important, and in

particular, with the move of the National Fire Academy to the United States Fire Administration and the minting of the commemorative coins.

In the finest tradition of the fire service, particularly the volunteers, we are not asking for funding, just the opportunity to raise our own funds to support these efforts.

We are pleased to express our overall support for the fire service bill of rights. With proper refinements, as expressed in the written record, this proposed legislation can do much for this Nation's fire service and in turn much for the public we serve.

We strongly support the reestablishment of the National Fire Academy as an organizational unit of the United States Fire Administration, as specified in section 208. This provision will realign this important Federal fire program as it was originally intended by Congress when it passed the National Fire Prevention and Control Act in 1974 and it will also provide the fire service more input into the training and education of its future leaders. We certainly support the comments made by Congressman Weldon before you today.

In its long tradition of self-reliance, the fire service of the United States would like the opportunity to support special ventures through the sale of the commemorative coins. These ventures will include a national fire center museum, college scholarships for children and spouses of firefighters who die in the line of duty, hazardous materials response equipment and burn research and education, all very worthwhile and needed efforts.

With respect to House resolution H.R. 4522, we do support the notion that any additional coordination of agencies regarding hazardous materials is a worthwhile goal. There is no question that improved coordination is essential to minimize inconsistent information used by first responders. Congress is presently considering comprehensive legislation, and the Nation's fire chiefs would not be opposed to the Firefighter's Safety Study Act being incorporated within other pending legislation. If, however, House resolution H.R. 4522 is the wish of Congress, we would strongly recommend including a member of the national organizations representing those officials having responsibilities for emergency response, such as the International Association of Fire Chiefs.

We also recommend including the developers of codes and standards regarding hazardous materials, such as the National Fire Protection Association, Chemtrec, United States Coast Guard, American Association of Railroads and others.

In conclusion, the International Association of Fire Chiefs commends the efforts of this Subcommittee for holding this hearing regarding the Benjamin Franklin Memorial Fire Service Bill of Rights Act and the Firefighter's Safety Study Act. We stand ready to assist you in whatever manner you deem appropriate, and I am available to answer any questions you have.

Thank you.

[The statement follows:]

STATEMENT OF FIRE CHIEF STEVEN T. EDWARDS, PRINCE GEORGE'S COUNTY, MARYLAND, FIRE DEPARTMENT

Mr. Chairman and Members of the Subcommittee, I am Steven T. Edwards, Fire Chief of the Prince George's County, Maryland, Fire Department. I am pleased to appear before you regarding S.1933, the Benjamin Franklin Memorial Fire Service Bill of Rights, and H.R. 4522, the Fire Fighter's Safety Study Act.

I am here today on behalf of Chief Jim Estepp, president of the International Association of Fire Chiefs, and the 10,000 IAFC members who command the majority of the nation's fire departments. There are currently an estimated 32,000 fire departments in the United States, staffed by 250,000 career fire fighters and an estimated 800,000 volunteer fire fighters.

Unfortunately, the fire services in this country, both career and volunteer, have not had the support from the national leadership that other public safety organizations have enjoyed. We are encouraged by the continued support and leadership this Subcommittee has provided with regard to this issue. In particular, we would like to express our appreciation to the members of this committee for their assistance and support with regard to the confirmation of Mr. Olin Green as the Administrator for the United States Fire Administration. We are very pleased Mr. Green is now on board, and we are looking forward to working closely with him.

We are here to express our overall support for the Benjamin Franklin Fire Service Bill of Rights, S. 1933. The nation's fire service appreciates the efforts of Senator Heinz for sponsoring this important bill, and Representative Curt Weldon for his efforts in the House of Representatives. With proper refinements, the proposed legislation can do much for the nation's fire service, and in turn, much for the public we serve at no additional burden on the taxpayer. We understand that some recent changes have been made to the bill in the House of Representatives.

We would like to offer the subcommittee the following general recommendations for each of these bills.

S. 1933

We strongly support the re-establishment of the National Fire Academy as an organizational unit of the U.S. Fire Administration as specified in Section 208. This provision will realign this important federal fire program as was originally intended by Congress, when it passed the National Fire Prevention and Control Act of 1974.

The Administrator of the U.S. Fire Administration, as specified in this legislation, should be required to establish an independent process(s) with regard to any awards, scholarships, tuition assistance, research and burn foundation grants, or payments of assistance of any type to individuals or organizations. Establishing such an idependent process will ensure those awards are made without bias or influence.

Under Section 209, Hazardous Materials Response Equipment, it must be recognized that one type of computer may not be appropriate for all fire departments. This intent of section must take into consideration the diverse nature of the fire service and their diverse needs. Individual fire departments must be provided with the opportunity to obtain equipment that will meet their specific needs.

We feel that any document developed under Section 212, Information on Infectious Diseases, should be consistent with recommendations and policies of the major fire service organizations, the Centers for Disease Control and the recommendations of the USFA's Infectious Disease Forum.

H. R. 4522

The IAFC commends Congresswoman Jan Myers for her concern for the safety nation's fire service by introducing the Fire Fighter's Safety Study Act (H.R. 4522). We support the notion that coordination of agencies regarding hazardous materials information is a worthwhile goal. There is no question, given the number of agencies having a role in hazardous materials response, that coordination of information is essential.

However, Congress, including the full Senate Commerce Committee is currently considering comprehensive hazardous materials legislation. The IAFC feel that it would be appropriate to incorporate the provisions of this bill into the comprehensive bill now under consideration.

If such a working group is established through legislation, we strongly recommend including representation by an organization(s) representing local officials having direct responsibility for emergency response, and organizations who are directly involved in the development of national hazardous materials response standards and reference materials. Such groups may include the National Fire Protection Association, the U.S. Coast Guard, and Association of American Railroads.

We feel such a group would be a valuable in terms of coordinating consistent information and making recommendations, much like to recommendations issued by the National Transportation Safety Board. However, we do not want to see such a working group result in unnecessarily delaying the development or distribution of information.

The International Association of Fire Chiefs commends this Subcommittee for holding this hearing regarding the Benjamin Franklin Fire Service Bill of Rights and the Emergency Response Personnel Information Bill. We are pleased to have the opportunity to offer our perspective and concerns with about these two bills. We stand ready to assist you in whatever manner deemed appropriate and necessary. I will be pleased to respond to any questions you may have.

Senator BRYAN. We thank you very much, Mr. Edwards.
Mr. Gerard.

STATEMENT OF JOHN C. GERARD, WASHINGTON REPRESENTATIVE, NATIONAL FIRE PROTECTION ASSOCIATION, WASHINGTON OFFICE, ARLINGTON, VA

Mr. GERARD. Good morning, Senator.

Senator BRYAN. Good morning.

Mr. GERARD. I thank you very much for the opportunity to be here this morning and testify on these two very important bills. Before I do that, though, I would like to recognize and applaud your work both in the State of Nevada and in Washington on improving fire and life safety for Americans. We think that more and more people should have your dedication to this effort.

NFPA was organized in 1896, and our goal and our mission is safeguarding people in their environment from destructive fire. NFPA supports S. 1933, as we supported the bill when it was in the House.

The authors of this bill have demonstrated an outstanding leadership to the fire community in America. This bill provides recognition of the dedicated service given to America by firefighters and the fire service. It provides specific support and resources needed to continue to serve, and finally it presents a creative method for accomplishing these laudable goals. I guess all Americans look to Washington for creativity and leadership and this bill really does it. I think it is a marvelous example.

NFPA believes that if there is to be a national fire museum in Washington, DC, it should include exhibits showing the history of fire protection engineering and the evolution of built-in protection design. We all have come to accept these systems as the most practical means of providing the protection that Americans deserve. The history of how they developed is an essential part of the history of America's unique approach to fire protection.

In section 206 of S. 1933, it provides for programs that are funded in keeping with—it provides for funding of programs. We believe that these programs should, if they are funded that way, they should be sure that they are funded in keeping with the language of the Federal Fire Prevention and Control Act.

That act requires the Fire Administrator to take advantage of applicable technology developments made by other departments and agencies of the Federal Government, by State and local governments, by business, industry and nonprofit associations and, if I could quote, "to make full use of existing data-gathering and analysis organizations, both public and private." This has been a very important issue, and probably the most wonderful work the Fire Administration has ever done, was done in the days when they followed that prescription. It really is the way to accomplish their goals.

Section 208, once again, places the National Fire Academy under the management of the U.S. Fire Administration. NFPA supported that concept in the initial fire act and continues to believe strongly in a single fire agency with a primary goal of educating and improving the management of the fire services. We believe this to be an important element in helping the National Fire Academy continuing to provide the excellent programs and courses offered in the furtherance of its charge to advance the professional development of the fire service. We believe that section needs to stay in the bill.

The language of section 210 on burn research and education grants identifies "a national firefighters' burn foundation." We believe this language should be clarified because there is no national firefighters' burn foundation. There are burn foundations. I am not aware of any of them that focus only on firefighter burns. There are burn centers that do research. Some but not all of them are national. Some foundations that are doing research to reduce burn injuries are not necessarily burn foundations.

NFPA believes that this is confusing and recommends that the language of the bill be amended to say something on the order of, "The administrator shall

make a grant to a foundation dedicated to reducing firefighter burn injuries." I believe that simple language could eliminate that confusion.

On H.R. 4552, NFPA would like to work—in fact we have talked with Mr. Boyd, and we intend to work with him to try and improve the language of that act so that it can be a more effective tool in accomplishing what we all want to accomplish. We believe that as it is presently worded the language is too broad. It needs to be more finely focused on hazardous materials. We believe that the working group, as Chief Edwards identified, should include organizations that develop these guidance documents, such as the National Fire Protection Association, American Association of Railroads—those organizations.

We develop a lot of these guidance documents. In fact, we have been working with the Department of Transportation to harmonize this guidance for the past couple of years. It probably could be done better. It certainly can be done faster. There is a need for improved description.

But I think in the final analysis there will always be different ways of looking at hazardous materials, simply because there will always be shippers, manufacturing chemists, firefighters. There are different ways of looking at a commodity when it is in transit. There does need to be instruction that a firefighter or other emergency responder can use at the scene of an emergency.

That tends to be our focus when we approach that issue.

In any case, we intend to work with Mr. Boyd to try and improve that language so that when the Senate takes action, it will be a much more refined focus for that bill.

That concludes my testimony, Mr. Bryan, and I would be happy to answer any questions.

[The statement follows:]

STATEMENT OF NATIONAL FIRE PROTECTION ASSOCIATION

Good afternoon. I am John Gerard the Washington representative of the National Fire Protection Association. We thank the Chairman and the committee members for the opportunity to testify on this important issue.

NFPA, organized in 1896, is an independent, voluntary membership, nonprofit organization. Its mission is safeguarding people and their environment from destructive fire.

Activities of NFPA generally fall into two broad, interrelated AREAS. technical and educational. The basic technical activity involves development, publication and dissemination of timely national consensus standards. Educational activities are directed at people of all ages focusing on the importance of firesafety as a way of life and teaching behavior patterns to make that become a reality. A more detailed description of NFPA's activities and organization is included as an appendix to this testimony.

NFPA appreciates this opportunity for input on S. 1933, the Fire Fighter's Bill of Rights. Through their efforts the authors have demonstrated outstanding leadership to the fire community in America. This bill will provide recognition of the dedicated service given to America by firefighters and the fire service; it provides a specific listing of the support and resources needed to continue to serve and finally, it presents a creative method for accomplishing these laudable goals.

S. 1933 covers a broad range of issues important to the fire service, not the least of which is honoring the founder of American fire services. By funding the Franklin Institute through the sale of special coins we will not only pay tribute to Ben Franklin's public spirit but we will do so in keeping with his conservative approach to public spending. A very creative idea.

NFPA believes that if there is to be a National Fire Museum in Washington, D.C. it should include exhibits showing the history of fire protection engineering and the evolution of built-in fire protection design. We have all come to accept that these sys-tems are the most practical way of providing the protection that Americans deserve. The history of how they developed is an essential part of the history of America's unique approach to fire protection.

The co-sponsors of S. 1933 should be commended for devising a program to improve the education of the fire service and the families of those who lay their lives on the line every day. The funds provided for in the National Hero Scholarship and the Tuition Assistance for the Study of Fire Protection and Science will be very beneficial in helping defray the cost of education. In addition, the very emphasis on scholarship and learning will provide a strong incentive for others in the fire service to expand and extend their education.

NFPA supports Section 206 of S. 1933 provided the programs thus funded are in keeping with the language of the Federal Fire Prevention and Control Act of 1974, as amended. That Act requires the Fire Administrator to take full advantage of applicable technological developments made by other departments and agencies of the Federal Government, by State and local governments, and by business, industry and nonprofit associations and "to make full use of existing data gathering and analysis organizations, both public and private."

Section 208 of S. 1933 once again places the National Fire Academy under the management of the U.S. Fire Administration. NFPA supports this concept in the initial Fire Act and continues to believe strongly in a single fire agency with a primary goal of educating and improving the management of the fire services. We believe this to be an important element in helping the National Fire Academy continue to provide the excellent programs and courses offered in the furtherance of its charge to advance the professional development of fire service personnel and others engaged in fire prevention and control activities.

The language of Section 210 of S. 1933, Burn Research and Education Grant that identifies "a national firefighter's burn foundation" should be clarified as to grant applicant elegibility. As presently worded the bill authorizes a grant to be awarded to "a national firefighter's burn foundation". There are burn foundations but I am not aware of any that only focus on ~~firefighte~~5 ~urn5~~ Then there are burn centers that do burn research; some but not all of them are national; some foundations that are doing research to reduce burn injuries are not necessarily "burn foundations". NFPA believes this is confusing and recommends that the first and second sentence of subsection (a) be combined to read, "(a) In General.—The Administrator shall make a grant to a foundation dedicated to reducing burn injuries."

The information concerning procedures for acquisition of surplus federal property is a good idea and will be helpful to many fire departments.

The requirements in Section 212 INFORMATION ON INFECTIOUS DISEASES identifies a particularly sensitive concern of the fire service today. NFPA is currently developing Standard 473 that deals with the emergency medical aspects of hazardous materials response. In addition to this concern there is the danger of contracting serious or fatal infectious diseases during rescue and emergency medical operations. The NFPA stands ready to assist the Administrator in fulfilling this requirement by assisting in identifying appropriate materials for fulfilling the purpose of this section.

We thank the Chairman for holding this important hearing and will be pleased to answer any questions the Committee may have.

Senator BRYAN. Fine, thank you very much, Mr. Gerard.

Let me toss each of you a question. You have addressed yourself, Mr. Gerard, with some specificity to some changes you would like to see in the legislation. Do any of the others on you on the panel have any thoughts in terms of any changes or modifications in these bills that you would like to see made or to endorse the comments or disagree, if you do, with Mr. Gerard's observations?

Mr. EDWARDS. Just a couple quick comments. One, with respect to section 209 on the hazardous materials response equipment. It states there the U.S. Fire Administrator——

Senator BRYAN. Give me a second. I will read along with you, if I may. I have got the legislation. And this would be section 209?

Mr. EDWARDS. Right. Just two quick points. One point there under hazardous materials response equipment. The United States Fire Administrator is authorized to make grants to States for the purpose of them providing computer equipment to local fire services. We would caution there, that one type of computer or one system may not be appropriate or workable in the myriad of the different fire service organizations and operations within the country, and we would like to have and ensure that the individual departments are provided with the opportunity to receive equipment or to purchase equipment through Federal funds. Certainly that would give them the most benefit and work within their operation.

Under section 212——

Senator BRYAN. So you are asking for more flexibility, then?

Mr. EDWARDS. Well, more flexibility. There are a number of systems there. There are a number of different software programs that departments use currently. It just needs to be flexible enough to work at the local level, and one

solution never works at the local level. We just ask for that flexibility, and I am sure it would be there.

Under section 212, information on infectious diseases, it requires within 12 months of the enactment of the act the U.S. Fire Administrator is required to distribute information to the fire services relating to infectious diseases where firefighters are particularly vulnerable.

We would urge that this information be consistent with the recommendations and policies of the major fire service organizations, Centers for Disease Control and the United States Fire Administration's Infectious Disease Forum, so it is coordinated and it is consistent and we are getting the benefit of that in a very coordinated, comprehensive manner. We would appreciate that very much.

That is the only additional comments we have.

Thank you.

Senator BRYAN. Do either of you, Mr. Cooke or Ms. McCormack, have any comments specifically?

Let me ask you a couple of questions, if I may. There were some objections, as you know, by FEMA, and I am sure you are probably more aware of that than I am, but Mr. Greene made reference to at least a couple of those. Let me get your response here on the record.

There was a concern expressed by FEMA that somehow this legislation would create a level of expectation within the fire service community that would be incapable of being responded to by the Federal Government or Federal resources. What is your response? Chief, let me take it with you and then move down the line.

Mr. EDWARDS. My response right now is the expectation is very minimal because we are not receiving a whole lot in the way of support from the Federal Government. I would like to have my expectations raised, as a fire chief, and I am sure others would. We would hope to meet that and meet that expectation. I think we can. I think the fire service has proven time and time again that when it puts its efforts in a certain area, it meets its goals and it meets its responsibilities. And I think it is a personal thing, it is a false issue to say that our expectations would be raised and we could not meet that. If that is the case, we will deal with that. We will work hard to make sure that is not the case. I do not personally think it will be.

Senator BRYAN. Is there some shorthand code that I am not familiar with here? Reading between the lines, there may be a message that is being communicated that is other than as expressed in the spoken or written word.

Mr. EDWARDS. I am not quite sure what you mean by your question.

Senator BRYAN. Sometimes a reason is given for a position taken that is an ostensible reason, but in point of fact, there is really something else that is at the bottom of it. I mean, it struck me as being a rather unusual objection that somehow expectations would be elevated to an unrealistically high position. I suspect that there may be something else behind this, but I could be wrong.

Mr. EDWARDS. Well, I think it is certainly, within FEMA, a very parochial issue as far as they are concerned, and they want to maintain the control. And they certainly are agreeable with the comments that Congressman Weldon made earlier, that the fire service is the engine that is pulling this train. But it seems that all of the funding ends up in the caboose and that is very unfortunate.

That just does not set right with us. We think he have with been doing our job, doing it well throughout the United States for a long period of time, and we think it is about time that we received the recognition and received the funding and had the National Fire Academy within the United States Fire Administration

where it should be, where it was supposed to be and where it was originally intended to be, and to be supported in these efforts.

All of these programs that this coin would allow for is at no cost to the taxpayers. I would dare say the way the fire service is structured throughout the United States that we probably provide more service at less burden to the taxpayers than any other organization in government. I am sure I am biased in that regard, but that is my personal feeling.

I think this is a program where we are not asking for a handout, we are not asking for tax monies. We are just asking for an opportunity, the opportunity to have this coin and to work and support this coin and the programs that will be derived from that for the betterment of the fire service, and the betterment of the fire service is certainly going to improve our ability to serve the citizens of this country.

Senator BRYAN. Ms. McCormack, do you have any comment at all on that?

Ms. MCCORMACK. I think the Nation's fire service is, quite frankly, fed up with FEMA. If you read America Burning, America Burning recommended approximately $125 million for the United States Fire Administration and National Fire Academy back in 1967. The most we have ever received from the government is about $25 million, and since the Fire Administration and the Fire Academy have been under the FEMA realm, it seems we are getting cut constantly. So I have to reiterate with what Steve said. It just all needs to be looked at.

Senator BRYAN. Mr. Cooke, any comment or observation?

Mr. COOKE. Senator, my expertise is on the historical part of the facts, Franklin and his role in America and science and education, so I do not have too much to add to this particular discussion.

Senator BRYAN. How about you, Mr. Gerard?

Mr. GERARD. Mr. Chairman, I think that Mr. Weldon commented about the paranoia at FEMA. I would hope that the paranoia is going away. They say it is going away. They are working at telling the staff within FEMA that the problems of the past are in the past. I would like to think that that is true.

As far as expectations of firefighters, I spent 30 years in the fire service, in the City of Los Angeles. Our firefighters had expectations, and when we raised their expectations, they did a better job. I think raising a person's expectations generates much better performance. I think that that is something good, not something bad.

Senator BRYAN. Mr. Cooke, let me ask you, one of the reservations expressed by the Treasury is that the programs that are provided for and the breakdown of the money that is to be collected as a result of the sale of these commemorative coins will be insufficient to fund the programs that are authorized by this legislation. Do you have any insight that you can share with us on that?

Mr. COOKE. We feel that from the national memorial standpoint, the work we have to do is, although very important, we have carefully budgeted and planned ahead for what we want to do for the national memorial, and we have even already raised some private funds, although small, toward that effort.

So from the standpoint of what we want to do with Benjamin Franklin and ensuring his legacy in the national memorial, we are comfortable with the plan as outlined.

Senator BRYAN. I see. Do you happen to recall what the projections are in terms of the revenue that would be raised by this?

Mr. COOKE. Well, the projections vary widely depending upon the sale of coins. I know that the numbers of coins listed in the bill are authorization limits, not sales forecasts.

Senator BRYAN. That is right.

Mr. COOKE. And we have spoken at great length with Congressman Weldon to try to find additional mechanisms for selling coins beyond the Treasury's usual methods. We think that that could greatly increase the coins sold and benefit all of the programs in this legislation.

Senator BRYAN. Do you have any idea, though, what the sales forecasts might be?

Mr. COOKE. I do not.

Senator BRYAN. One of the other concerns that has been expressed about this—maybe Chief, I will go back to you—that the bill of rights provision there might create a new cause of action that may presumably expose the Federal Government to some additional claim, monetary cause of action.

Would you share with us, Chief, what your response to that criticism is?

Mr. EDWARDS. It is my understanding that that was a concern initially, but it is also my understanding that there is some wording of the legislation itself and that issue or that concern has been removed, and the bill of rights is a title, but it does not guarantee or engender any rights to a person that would cause future complications or problems for the Federal Government with respect to that.

Senator BRYAN. And you would have no objection, per se, to language that clarifies and gives people a little more comfort on that, those that have raised objections?

Mr. EDWARDS. No, I think that would be perfectly fine.

Senator BRYAN. Let me ask you, as far as these revenue projections, I presume that if they are not as great as we hoped that they are going to be—and I would agree with you, Mr. Cooke, that there are probably other ways in which we could engender greater sales through additional resourcefulness in our handling of this program—I presume that there is no guarantee that this legislation, in looking at it, will raise a specific amount of funds but it does provide percentage allocation as I understand it, is that right?

Mr. COOKE. That is right.

Senator BRYAN. Am I correct on that?

Mr. COOKE. Yes, sir. If all of the coins were sold, it would be about $120 million in surcharges. If all of the coins provided for in the legislation were sold.

Senator BRYAN. And you get a percentage based upon what the breakdown is here specifically in the legislation.

I would presume that if we are all a little more optimistic than we should be, and I think you can meet those sales projections, that there is then, in effect, a proportionate reduction in each of the particular accounts that are set up here, the 25 percent, the 7 percent, the 3 percent, the 30 percent, the 8 percent and the 2 percent. Is that the way it operates, as you understand it?

Mr. COOKE. Well, again, I cannot speak for the title II section of the programs, and the title II section of the legislation. The business with the memorial, which is section 108, talks about, without particular dollar amounts, the use of funds for the Franklin National Memorial.

We probably would likely reduce them in each of these several program categories that we have outlined proportionately. How the title II sections are handled, I really cannot answer.

Senator BRYAN. Do any of you have any additional comments? I think we will have another vote in about 5 minutes, but I want to give you a chance so we do not interrupt and have to come back again. Mr. Gerard, do you have any additional comment that you might want to share with us?

Mr. GERARD. No, sir.

Senator BRYAN. We thank you very much for being here and appreciate your testimony. Mr. Cooke, how about you, sir?

Mr. COOKE. No, I appreciate all of the help we have gotten from Congressman Weldon and yourself and the Committee, so thank you very much.

Senator BRYAN. We thank you, too, very much, Mr. Cooke.

Ms. McCormack?

Ms. MCCORMACK. No, sir, I do not, thank you.

Senator BRYAN. Thank you very much.

Chief Edwards, how about you?

Mr. EDWARDS. Very quickly, I would like to reiterate, we would not expect Congress or anyone else to fund any shortcomings in the revenue. What we are really looking for is an opportunity and an opportunity for the fire service to make these very worthwhile programs and bring them to our people that need them within the service. So we appreciate your support on that very much.

Thank you.

Senator BRYAN. It strikes me as being a very reasonable expectation.

Again, we will adjourn this subcommittee hearing, and thank you all.

[Whereupon, at 1:15 a.m., the hearing was adjourned.]

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